FEDERAL REGISTER

VOLUME 20 NUMBER 12

Washington, Tuesday, January 18, 1955

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10589

AMENDMENT OF EXECUTIVE ORDER NO. 6783 OF JUNE 30, 1934, CREATING THE QUETICO-SUPERIOR COMMITTEE

By virtue of the authority vested in me as President of the United States, the following-named persons are hereby appointed, or continued in their appointment, as members of the Quetico-Superior Committee, which was created by Executive Order No. 6783 of June 30, 1934, and the existence of which has been extended from time to time, the last extension being made by Executive Order No. 10541 of June 30, 1954, for a four-year period ending June 30, 1958:

Charles S. Kelly, Chairman,
Ernest C. Oberholtzer, and
Paul Clement.

The said Executive Order No. 6783 of June 30, 1934, as amended by Executive Order No. 9890 of September 6, 1947, is further amended accordingly.

The two additional members of the Committee, provided for by Executive Order No. 6783, shall continue to be designated by, and serve at the pleasure of, the Secretary of Agriculture and the Secretary of the Interior, respectively.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
January 15, 1955.

[F. R. Doc. 55-518; Filed, Jan. 17, 1955; 12:26 p. m.]

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 730—RICE

SUBPART—FARM ACREAGE ALLOTMENTS FOR THE 1955 CROP

GENERAL

Sec.
730.610 Basis and purpose.
730.611 Definitions.
730.612 Extent of calculations and rule of fractions.
730.613 Forms and instructions.
730.614 Approval of determinations made under regulations.
730.615 Producer's report of data.

FARM ACREAGE ALLOTMENTS BASED ON PAST PRODUCTION OF RICE ON FARMS

730.616 Determination of base acreages for old farms.
730.617 1955 acreage allotments for old farms.
730.618 Determination of acreage allotments for new farms.
730.619 Farms divided or combined.

FARM ACREAGE ALLOTMENTS BASED ON PAST PRODUCTION OF RICE BY PRODUCERS

730.620 Determination of base acreages for old producers.
730.621 Determination of preliminary acreage allotments for old producers and allocation to farms.
730.622 Determination of acreage allotments for new producers and allocation to farms.
730.623 1955 acreage allotments for farms with producers having producer allotments.

FINAL FARM ACREAGE ALLOTMENTS

730.624 Adjustments in farm acreage allotments from national reserve.
730.625 1955 final acreage allotments for all farms.

MISCELLANEOUS

730.626 Succession of interest in Arizona, California, Florida, Tennessee, and Texas.
730.627 Right to appeal and application for review.
730.628 Redelegation of authority.
730.629 Applicability of regulations.

AUTHORITY: §§ 730.610 to 730.629 issued under sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interpret or apply secs. 301, 353, 52 Stat. 38, 61, as amended; 7 U. S. C. 1301, 1353.

GENERAL

§ 730.610 *Basis and purpose.* (a) The regulations contained in §§ 730.610 to 730.629, inclusive, are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the establishment of farm acreage allotments for the 1955 crop of rice. The purpose of the regulations in this subpart is to provide the procedure for apportioning in the States of Arizona, California, Florida, Tennessee, and Texas, the 1955 State rice acreage allotments among rice producers in the State, and, in the States of Arkansas, Illinois, Louisiana, Mississippi, Missouri, and South Carolina, in which the respective State committees have recommended that the State acreage allotments be apportioned on the basis of the past production of

(Continued on p. 387)

CONTENTS

THE PRESIDENT

EXECUTIVE AGENCIES

FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B) under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15 cents) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER, or the CODE OF FEDERAL REGULATIONS.

CONTENTS—Continued

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

rice on farms and the acreage allotments previously established for farms in lieu of the past production of rice by producers and acreage allotments previously established for producers and for which the Secretary has determined that such action would facilitate the effective administration of the act, the 1955 county rice acreage allotments among farms in the county. Prior to preparing the regulations in this subpart, public notice (19 F R. 7271) was given in accordance with the Administrative Procedure Act (60 Stat. 237) The data, views, and recommendations pertaining to the regulations in this subpart which were submitted have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

(b) Since the Agricultural Adjustment Act of 1938 requires that insofar as practicable operators of farms be notified of their farm rice acreage allotments in time to be received prior to the holding of the referendum to determine whether rice producers favor or oppose rice marketing quotas, and since notices of allotments based on the regulations in this subpart cannot be mailed prior to the holding of the referendum unless the 30-day effective date provision of section 4 of the Administrative Procedure Act is waived, it is hereby found necessary to waive such provision. Therefore, the regulations in §§ 730.610 to 730.629, inclusive, shall become effective upon the date of their publication in the FEDERAL REGISTER.

§ 730.611 *Definitions.* As used in §§ 730.610 to 730.629, inclusive, and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meaning assigned to them unless the context or subject matter otherwise requires.

(a) Committees: (1) "Community committee" means the group of persons elected within a community as the community committee pursuant to the regulations governing the selection and functions of the Agricultural Stabilization and Conservation county and community Committees.

(2) "County committee" means the group of persons elected within a county as the county committee pursuant to the regulations governing the selection and functions of the Agricultural Stabilization and Conservation county and community committees.

(3) "State committee" means the group of persons designated in the State by the Secretary as the Agricultural Stabilization and Conservation State committee.

(b) "Farm" means all adjacent or nearby farm or range land under the same ownership which is operated by one person, including also;

(1) Any other adjacent or nearby farm or range land which the county committee, in accordance with instructions issued by the Deputy Administrator for Production Adjustment, Commodity Stabilization Service, determines is operated by the same person as part of the same unit in producing range livestock or with respect to the rotation of crops, and with workstock, farm machinery, and labor substantially separate from that for any other land; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county or administrative area in which the principal dwelling is situated, or if there is no dwelling thereon, it shall be regarded as located in the county or administrative area in which the major portion of the farm is located.

(c) "Old farm" means a farm on which rice was planted in one or more of the five years 1950 through 1954, including any farm on which rice was planted only in 1950 and for which no acreage allotment was determined for 1950.

(d) "New farm" means a farm on which rice will be planted in 1955 for the first time since 1949.

(e) "Producer" means any person engaged in the production of rice as landlord, tenant, or sharecropper, and includes a person owning and operating his own farm; a tenant operating a farm rented for cash, a tenant operating a farm under a crop-share lease, contract, or agreement; a landlord leasing to share tenants; and a person or irrigation company furnishing water for a share of the crop. For purposes of the regulations in this subpart, the term "tenant" shall be deemed to include a person or irrigation company furnishing water for a share of the rice crop.

(f) "Old producer" means a person engaged in the production of rice during one or more of the five years 1950 through 1954, including a person who was engaged in the production of rice only in 1950 on a farm for which no acreage allotment was determined for 1950.

(g) "New producer" means a person engaged in the production of rice in 1955 for the first time since 1949.

(h) "Engaged in the production of rice" means sharing in a predetermined and fixed portion of the rice crop, or the proceeds thereof, at the time of harvest by virtue of having contributed, in the capacity of landlord, tenant, or sharecropper, the land, labor, water, or equipment necessary for the production of the rice crop. Any person who shares in a rice crop by virtue of an assignment of the crop for furnishing equipment, seed, fertilizer, or supplies (other than irrigation water) or as security for cash or credit advanced, or for furnishing labor only for a particular phase of production, shall not be deemed to be engaged in the production of rice.

(i) "Cropland" means farm land which in 1954 was tilled or was in regular crop rotation, excluding (1) bearing orchards and vineyards (except the acreage of cropland therein) (2) plowable noncrop open pasture, and (3) any land which constitutes, or will constitute if such tilling is continued, a wind erosion hazard to the community.

(j) "Operator" means the person who, as landlord or tenant, is in charge of the supervision and conduct of the farming operations on the entire farm.

(k) "Person" means an individual, partnership, association, corporation, estate, trust or other business enterprise or legal entity and, whenever applicable, a State, a political subdivision of a State, the Federal Government, or any agency thereof.

(l) "Rice acreage" means the acreage planted to rice and the acreage of volunteer rice which reaches maturity excluding any acreage of non-irrigated rice of three acres or less, any acreage planted to rice in 1950 in excess of the 1950 farm acreage allotment, and any acreage of Mochi Gomi rice, commonly known as sweet, glutenous, or candy rice.

(m) "Developed rice land" means cropland on which rice has been produced in one or more of the years 1950 through 1954, together with any improved pasture land which is in regular rotation with rice and for which water and other irrigation facilities are readily available for the production of rice in 1955.

§ 730.612 *Extent of calculations and rule of fractions.* All rice acreage allotments and other acreage data shall be rounded to the nearest whole acre. Fractional acreages of fifty-one hundredths of an acre or more shall be rounded upward, and fractional acreages of fifty hundredths of an acre or less shall be dropped. For example, 39.51 would be 40 and 93.50 would be 39.

§ 730.613 *Forms and instructions.* The Director of the Grain Division, Commodity Stabilization Service, shall cause to be prepared and issued such forms as may be deemed necessary and shall cause to be prepared such instructions as are necessary for carrying out §§ 730.610 to 730.629. The forms and instructions shall be approved by, and the instructions shall be issued by the Deputy Administrator for Production Adjustment, Commodity Stabilization Service.

§ 730.614 *Approval of determinations made under regulations.* State committees shall have over-all responsibility for the administration of the regulations herein in their respective States. All acreage allotments shall be reviewed by or on behalf of the State committee and the State committee may revise or require revision of any determination made under §§ 730.610 to 730.629, inclusive. All acreage allotments for rice shall be approved by or on behalf of the State committee and no official notice thereof shall be mailed until such allotment has been approved by or on behalf of the State committee.

§ 730.615 *Producer's report of data.* (a) In the States of Arkansas, Illinois, Louisiana, Mississippi, Missouri, and South Carolina, to the extent that such information is not already available to the county committee, the owner, operator, or any other person having an interest in the rice crop shall furnish the county ASC office of the county in which the farm is located the following information with respect to each old rice farm.

(1) Farm serial number.

(2) Names and addresses of the owner and 1954 operator.
(3) Total acreage of all land in the farm.
(4) Total acreage of cropland on the farm.
(5) The acreage of developed rice land on the farm.
(6) The rice acreage on the farm for each of the years 1950 through 1954.
(7) Information requested by the county committee relative to changes in operations or in size of the farm.

(b) In the States of Arizona, California, Florida, Tennessee, and Texas, to the extent that information is not already available to the county committee, each old producer of rice shall furnish the county ASC office of the county in which the producer will be engaged in the production of rice in 1955 the following information for each farm for each year in which he was engaged in the production of rice during the years 1950 through 1954.
(1) Farm serial number.
(2) Names and addresses of the owner and operator.
(3) Names and addresses of other producers sharing in the rice crop.
(4) Total acreage of all land in the farm.
(5) Total acreage of cropland on the farm.
(6) Acreage of developed rice land on the farm.
(7) The rice acreage on the farm.
(8) The percentage share of each producer in the rice crop.

(c) *Other available information.* Information not so furnished shall be determined or appraised by the county committees on the basis of records in the county office, available production and sales records, and other available information.

FARM ACREAGE ALLOTMENTS BASED ON PAST PRODUCTION OF RICE ON FARMS

§ 730.616 *Determination of base acreages for old farms.* (a) In the States of Arkansas, Illinois, Louisiana, Mississippi, Missouri, and South Carolina, the county committees shall first determine for each old farm a base acreage of rice. This acreage shall be the average annual planted plus diverted acreage of rice on the farm during the years 1950 through 1954. *Provided,* That the planted plus diverted acreage for any farm for 1950 shall be determined as follows: If the acreage planted to rice was not in excess of the 1950 farm allotment or less than 90 percent of such allotment, the planted plus diverted rice acreage shall be the 1950 usual rice acreage for the farm as determined under the regulations issued by the Secretary for establishing 1950 farm rice acreage allotments; if the acreage planted to rice was less than 90 percent of the 1950 farm allotment, the planted plus diverted acreage shall be the 1950 planted rice acreage plus the amount by which the 1950 usual rice acreage exceeds 90 percent of such allotment; if the 1950 farm allotment was determined to be unknowingly exceeded, the planted plus diverted rice acreage shall be the 1950 farm allotment plus the amount by which the 1950 usual acreage exceeded the acreage planted to rice; if the 1950 farm allotment was determined to be knowingly exceeded, the planted plus diverted acreage shall be the rice acreage allotment; and if the farm was a new farm under the 1950 regulations, the planted plus diverted acreage shall be the smaller of the 1950 rice acreage allotment or the acreage planted to rice. If with respect to any farm the county committee finds that the rice acreage data in any year in such period was:
(1) Abnormally low due to flood or drought;
(2) Not representative for 1955 because of (i) customary crop-rotation practices, (ii) a change in such practices, (iii) a change in the acreage of developed rice land on the farm, (iv) a change in the number of rice-producing tenants or other labor on the farm, or (v) unavailability of irrigation water;
(3) Abnormally high because of failure of crops other than rice;
(4) Excessive for the farm on the basis of developed rice land, the soil, or other physical factors affecting the production of rice; or
(5) Unreliable;

such year shall be eliminated in determining the base acreage of rice for such farm.

(b) If for any farm, all the years in the applicable period are eliminated, the base acreage of rice shall be appraised by the county committee, such base acreage shall be fair and reasonable in relation to the base acreages determined for other farms in the county taking into consideration the developed rice land, labor, water and equipment available for the production of rice, crop-rotation practices, and the soil and other physical factors affecting the production of rice. The base acreage of rice may be appraised as zero acres only if it is determined by the county committee that rice will not be planted on the farm in 1955 under the established crop-rotation system for the farm. Except for appraisals of zero acres, the appraised base acreage for the farm shall be subject ot the following limitations:

(1) If the average rice acreage on the farm during the years 1950 through 1954 is greater than the average for the community, expressed as a proportion of the developed rice land, the appraised base acreage shall not be less than an amount determined by applying to the developed rice land on the farm the ratio of rice acreage to developed rice land in the community nor greater than such average rice acreage.

(2) If the average rice acreage on the farm during the years 1950 through 1954 is less than the average for the community expressed as a proportion of the developed rice land, the appraised base acreage shall not be more than an amount determined by applying to the developed rice land on the farm the ratio of rice acreage to developed rice land in the community nor less than such average rice acreage: *Provided,* That this limitation shall not apply if it would result in an appraised base acreage of rice for the farm too small for economic operation of the farm, taking into consideration the applicable factors set forth above for appraising the base acreage of rice for the farm.

(c) Except for a farm for which a base acreage has been appraised as zero acres, the base acreage shall not be less than 70 per centum of the average rice acreage during the years 1953 and 1954.

§ 730.617 *1955 acreage allotments for old farms.* (a) The base acreages of rice determined under § 730.616, adjusted pro rata to the county allotment minus an appropriate reserve established by the county committee with the approval of the State committee of not to exceed 5 per centum of the county allotment for missed farms, corrections, and adjustments under paragraphs (b) and (c) of this section shall be the acreage allotments for old farms.

(b) Except for a farm with a base acreage appraised as zero acres, the acreage allotment determined for any farm under paragraph (a) of this section may be increased to an acreage not to exceed the larger of (1) 65 per centum of the average rice acreage on the farm during the years 1953 and 1954 or (2) 55 per centum of the rice acreage on the farm in 1953 or 1954, whichever is larger, if the county committee determines that such allotment is inadequate for the farm because rice was not planted on the farm during all of the preceding five years or because of a sharp, uptrend in the rice acreage on the farm, taking into consideration the land, labor, water and equipment available for the production of rice with preference given to farms having small allotments: *Provided,* That the total of such increases in allotments under this paragraph shall not exceed the acreage available therefor under paragraph (a) of this section after allowing for missed farms, corrections, and adjustments under paragraph (c) of this section, plus the acreage made available from the national reserve provided for by section 353 (a) of the act, plus the acreage made available by the State committee from the reserve provided for in the proviso in section 353 (c) (1) of the act.

(c) The acreage allotment determined for any farm under paragraph (a) or (b) of this section may be increased if the county committee determines that the allotment is small in relation to allotments for other old farms in the county on the basis of the crop-rotation practices, the land, labor, water and equipment available for the production of rice, and the soil and other physical factors affecting the production of rice, taking into consideration the acreage required for the economic operation of the farm and the acreage made available for such increases: *Provided,* That such increased allotments shall not exceed the allotments determined for other farms which are similar with respect to the factors set forth above. The acreage used in any county for increasing allotments under this paragraph shall not exceed the acreage made available therefor under paragraph (a) of this section.

§ 730.618 *Determination of acreage allotments for new farms.* In Arkansas, Illinois, Louisiana, Mississippi, Missouri, and South Carolina, the county commit-

tees shall determine a 1955 rice acreage allotment for each eligible new farm for which an acreage allotment is requested not later than February 15, 1955. The rice acreage allotments for new farms shall be determined on the basis of tillable land suitable for the production of rice, crop-rotation practices, labor, water and equipment available for the production of rice, and the soil and other physical factors affecting the production of rice, and shall not exceed the allotments determined under § 730.617 for old farms which are similar with respect to such factors. The request for a new farm rice acreage allotment shall be made by the farm operator and shall contain a statement as to the location and identification of the farm, the acreage allotment requested for the farm, the acreage of tillable land on the farm suitable for the production of rice and for which water and other irrigation facilities are readily available, the rice-producing equipment owned by the applicant, location and identification of other rice farms in which the owner or operator has an interest, the past experience of the applicant in producing rice, and whether 50 percent or more of his total 1955 income is expected to be derived from farming operations on the farm: *Provided,* That to be eligible for a new farm rice acreage allotment (a) the land for which an allotment is requested must be well suited to the production of rice and for which water and other irrigation facilities are readily available for use on such land in 1955 (b) the producer must establish to the satisfaction of the county committee that the crop-rotation system has changed or is changing to the extent that rice rather than other crops should be included in such system for 1955 and that the producer expects to derive 50 percent or more of his total 1955 income from farming operations on the farm; and (c) the owner or the operator of the farm must not have an interest in the rice produced on any other farm in 1955. The rice acreage allotment for any such farm shall not exceed the rice acreage allotment requested for the farm or the acreage determined by applying to the tillable acreage on the farm suitable for the production of rice and for which water and other irrigation facilities are readily available for 1955 the ratio of rice acreage to developed rice land in the community or county (applicable only if there is developed rice land in the community or county) except that such ratio limitation shall not apply if it would result in an allotment which would be relatively small in relation to the allotment established for old rice farms which are similar with respect to such factors. The sum of all such new farm rice acreage allotments in the State determined under this section shall not exceed the reserve for new farms established by the State committee which shall not exceed 3 per centum of the State rice acreage allotment.

§ 730.619 *Farms divided or combined.* (a) The 1955 rice acreage allotment determined for a farm shall, if there is a division of the farm in 1955, be apportioned to each part on the basis of the acreage of cropland suitable for the production of rice on each part. If the county committee determines that this method would result in allotments not representative of the farming operations normally carried out on each part an allotment may be determined for each part in the same manner as would have been done if such part had been a completely separate farm. *Provided,* That the sum of the allotments thus determined for each part shall not exceed the allotment originally determined for the entire farm which is being divided.

(b) If two or more farms or parts thereof for which 1955 rice acreage allotments are determined are combined and operated as a single farm, the 1955 allotment shall be the sum of the allotments determined for each of the parts comprising the combination.

FARM ACREAGE ALLOTMENTS BASED ON PAST PRODUCTION OF RICE BY PRODUCERS

§ 730.620 *Determination of base acreages for old producers.* (a) In the States of Arizona, California, Florida, Tennessee, and Texas, the State committee, with the assistance of the county committees, shall determine for each old producer a base acreage of rice. This acreage shall be the average of the producer's shares of the planted plus diverted acreages of rice on farms in which he had an interest during the years 1950 through 1954, but shall not be less than 70 per centum of the producer's average rice acreage during the years 1953 and 1954. *Provided,* That the planted plus diverted acreage for any farm for 1950 shall be determined as follows: if the acreage planted to rice was not in excess of the 1950 farm allotment or less than 90 percent of such allotment, the planted plus diverted rice acreage shall be the 1950 usual rice acreage for the farm as determined under the regulations issued by the Secretary for establishing 1950 farm rice acreage allotments; if the acreage planted to rice was less than 90 percent of the 1950 farm allotment, the planted plus diverted acreage shall be the 1950 planted rice acreage plus the amount by which the 1950 usual rice acreage exceeds 90 percent of such allotment; if the 1950 farm allotment was determined to be unknowingly exceeded, the planted plus diverted rice acreage shall be the 1950 farm allotment plus the amount by which the 1950 usual acreage exceeded the acreage planted to rice; if the 1950 farm allotment was determined to be knowingly exceeded, the planted plus diverted acreage shall be the rice acreage allotment; and if the farm was a new farm under the 1950 regulations, the planted plus diverted acreage shall be the smaller of the 1950 rice acreage allotment or the acreage planted to rice. If, with respect to any producer, the county committee finds that his share of the rice acreage, including diverted rice acreage in 1950, in any of the years in such period was:

(1) Abnormally low due to flood or drought;

(2) Not representative for 1955 because of (i) customary crop-rotation practices, or (ii) a change in such practices;

(3) Abnormally high because of failure of crops other than rice;

(4) Abnormally high or low because of variation in the supply of water available or other physical factors affecting the production of rice; or

(5) Based on unreliable data,

such year shall be eliminated in determining the base acreage of rice for such producer. *Provided,* That in no case shall all such years be so eliminated, except in the case of a producer who the county committee determines will not produce rice in 1955 in the State.

(b) Except for a producer with a base acreage of zero acres, the base acreage shall not be less than 70 per centum of the producer's average rice acreage during the years 1953 and 1954.

§ 730.621 *Determination of preliminary acreage allotments for old producers and allocation to farms.* (a) The base acreages of rice determined for producers under § 730.620, adjusted pro rata to equal the State allotment minus a reserve established by the State committee of not to exceed 3 per centum of the State allotment for new producers and an appropriate reserve established by the State committee of not to exceed 5 per centum of the State allotment for missed producers, corrections, and adjustments under paragraphs (b) and (c) of this section, shall be the preliminary rice acreage allotments for old producers.

(b) Except for a producer with a base acreage of zero acres, the preliminary rice acreage allotment determined for any old producer under paragraph (a) of this section may be increased to an acreage not to exceed the larger of (1) 65 per centum of the producer's average rice acreage during the years 1953 and 1954 or (2) 55 per centum of the producer's rice acreage in 1953 or 1954, whichever is larger, if the State committee, with the assistance of the county committee, determines that such allotment for the producer is inadequate because rice was not planted by the producer during all of the preceding five years, taking into consideration the producer's investment in equipment and other facilities for the production of rice with preference given to producers having small allotments: *Provided,* That the total of such increases in allotments under this paragraph shall not exceed the acreage available therefor under paragraph (a) of this section after allowing for missed producers, corrections, and adjustments under paragraph (c) of this section, plus the acreage made available from the national reserve provided for by section 353 (a) of the act.

(c) The preliminary acreage allotment determined for any old producer under paragraphs (a) or (b) of this section may be increased if the State committee, with the assistance of the county committee, determines that the allotment is small in relation to the allotments for other old producers on the basis of the crop-rotation practices, the land, labor, water and equipment available for the production of rice, and the soil and other physical factors affecting the production of rice during the years 1950 through 1954. *Provided,* That such

increased preliminary allotment shall not exceed the allotments determined for other producers similarly situated with respect to the factors set forth above. The acreage used in any State for increasing preliminary allotments under this paragraph shall not exceed the acreage made available therefor under paragraph (a) of this section.

(d) Each old producer desiring to have a rice acreage allotment established for any farm on which he will be engaged in the production of rice in 1955 shall file a request with the county ASC office for allocating his preliminary rice acreage allotment to such farm or farms. Each such request shall state the farm serial number, the total acreage, cropland acreage, and developed rice land acreage on the farm, the name and address of the owner of the farm, if different from the applicant, the location of the farm, the estimated acreage planted to rice on the farm in 1952, 1953, and 1954, the rice acreage intended to be planted on the farm in 1955, and the names and acreage shares of other persons who will have an interest in this rice acreage to be planted on the farm in 1955.

(e) The State committee, with the assistance of county committees, shall allocate the preliminary rice acreage allotment for the producer to the farm or farms on which the producer will be engaged in the production of rice in 1955, and shall make such adjustments therein as are necessary to establish an allotment for the farm within its capabilities for producing rice consistent with practical farming operations, taking into consideration crop-rotation practices, the land, water and equipment available for the production of rice, the sizes of fields, the arrangement of levies and drainage facilities, the soil and other physical factors affecting the production of rice on the farm in 1955, and in the case of upward adjustments the amount of acreage available. Except as a reserve is available under paragraph (a) of this section, the sum of the upward adjustments in allocated acreages under this paragraph shall not exceed the sum of the downward adjustments hereunder.

§ 730.622 *Determination of acreage allotments for new producers and allocation to farms.* In Arizona, California, Florida, Tennessee, and Texas, the State committee, with the assistance of the county committees, shall determine for each eligible new producer a preliminary rice acreage allotment and allocate such allotments to farms in accordance with the provisions of this section.

(a) Each person desiring a new producer rice acreage allotment shall file a request therefor with the county ASC office not later than February 15, 1955. Each such request shall state the acreage allotment requested, the past experience of the applicant in producing rice, the rice-producing equipment owned by him, and whether he expects to derive 50 percent or more of his total 1955 income from farming operations. In addition, to the extent that information is known by the applicant, the request shall state the serial number of the farm on which he intends to plant rice in 1955, and the acreage of tillable land on the farm which is suitable for the production of rice for which water and other irrigation facilities are readily available for 1955. To be eligible for a new producer rice allotment, the applicant must have filed his request for an allotment on or before February 15, 1955, and must establish to the satisfaction of the county committee that he has adequate rice-producing equipment, and that he expects to derive 50 percent or more of his total 1955 income from farming operations. The rice acreage allotments for new producers shall be determined by taking into consideration the requested allotments, the labor and rice-producing equipment available for the production of rice, the past rice-producing experience of the applicant, and the land suitable for the production of rice for which water and other irrigation facilities are readily available for 1955, if arrangements therefor have been made at the time the preliminary allotment is determined.

(b) Each person for which a preliminary rice acreage allotment is determined who desires to have a rice acreage allotment established for the farm on which he will be engaged in the production of rice in 1955 shall file a request with the county committee for allocating his preliminary rice acreage allotment to such farm. Each such request shall state the farm serial number, the total acreage, cropland acreage, and developed rice land acreage on the farm, the name and address of the owner of the farm, if different from the applicant, the location of the farm, the estimated acreage planted to rice on the farm in 1952, 1953, and 1954, the rice acreage intended to be planted on the farm in 1955, and the names and acreage shares of other producers who will have an interest in the rice acreage to be planted on the farm in 1955.

(c) The State committee, with the assistance of county committees, shall allocate the preliminary rice acreage allotments for new producers to the farm or farms on which such producers will be engaged in the production of rice in 1955, and shall make such adjustments therein as are necessary to establish the farm allotment(s) within the capabilities of the farm(s) for producing rice consistent with practical farming operations, taking into consideration crop-rotation practices, the land, labor, water and equipment available for the production of rice, the sizes of fields, the arrangement of levies and drainage facilities, the soil and other physical factors affecting the production of rice on the farm(s) in 1955, and the acreage available for such adjustments. The sum of the upward adjustments in allocated acreages under this paragraph shall not exceed the sum of the downward adjustments hereunder.

§ 730.623 *1955 acreage allotments for farms with producers having producer allotments.* The sum of the preliminary acreage allotments allocated to the farm under § 730.621, plus the sum of the acreage allotments determined for new producers and allocated to the farm under § 730.622, shall be the rice acreage allotment for the farm for 1955. The sum of all the farm acreage allotments so determined shall not exceed the State acreage allotment minus the reserve for missed farms, appeals, and corrections.

FINAL FARM ACREAGE ALLOTMENTS

§ 730.624 *Adjustments in farm acreage allotments from national reserve.* After acreage allotments have been determined for all rice farms in accordance with the foregoing provisions of the regulations in this subpart, State committees, with the assistance of county committees, shall make adjustments in those farm acreage allotments which are deemed inadequate because of an insufficient State or county allotment or because rice was not planted on the farm during all the years 1950 through 1954. Such adjustments in farm acreage allotments shall be limited to the acreage made available by the Secretary of Agriculture for such purpose for the State or county in which such farms are located.

§ 730.625 *1955 final acreage allotments for all farms.* The acreage allotment determined under §§ 730.617, 730.618, 730.623, or 730.624 shall be the final rice acreage allotment for the farm for 1955.

MISCELLANEOUS

§ 730.626 *Succession of interest in Arizona, California, Florida, Tennessee, and Texas.* (a) If a producer voluntarily retires from the production of rice, dies, or is declared incompetent by a court of competent jurisdiction, his history of rice production shall be apportioned in whole or in part among the heirs, devises, or members of his family according to the extent to which they may continue or have continued his farming operations: *Provided,* That such apportionment shall be effective only if satisfactory proof of such relationship and succession of farming operations is furnished the county committee.

(b) If a producer voluntarily withdraws in whole or in part from the production of rice through the voluntary sale of rice land, all or such part of such producer's history of rice production as may be ascribed to such land shall pass to the purchaser: *Provided,* That no such transfer shall be effective until approved by the State committee.

(c) Upon dissolution of a partnership the partnership's history of rice production shall be apportioned among the partners in such proportion as agreed upon in writing by the partners and approved by the State committee.

§ 730.627 *Right to appeal and application for review*—(a) *Right to appeal.* Any producer in the States of Arizona, California, Florida, Tennessee, or Texas, who is dissatisfied with his 1955 preliminary producer's rice acreage allotment, may within 15 days after the date of mailing of the notice of allotment, file an appeal to the county committee for

reconsideration of such allotment. If the appellant is dissatisfied with the decision of the county committee with respect to his appeal, he may appeal to the State committee within 15 days after the date of mailing the notice of the decision of the county committee. The decision of the State committee with respect to the preliminary producer's allotment shall be final.

(2) In the event marketing quotas are not applicable to the 1955 crop of rice, any person who as owner, operator, landlord, tenant, or sharecropper, is dissatisfied with his farm rice acreage allotment may file an appeal for reconsideration of such allotment. The appeal and the facts constituting the basis therefor must be submitted in writing and postmarked or delivered to the county ASC office within 15 days after the date of mailing of the notice of allotment. If the appellant is dissatisfied with the decision of the county committee with respect to his appeal, he may appeal to the State committee within 15 days after the date of mailing the notice of the decision of the county committee. If the appellant is dissatisfied with the decision of the State committee, he may within 15 days after the date of mailing of the notice of the decision of the State committee, request the Director of the Grain Division, Commodity Stabilization Service, to review his case, whose decision shall be final.

(b) *Application for review.* In the event marketing quotas are applicable to the 1955 crop of rice, any producer who is dissatisfied with the farm rice acreage allotment and marketing quota established for his farm may within 15 days after mailing of the official notice of the farm rice acreage allotment and marketing quota, file application with the county committee to have such allotment reviewed by a review committee. The procedures governing the review of farm acreage allotments and marketing quotas are contained in the regulations issued by the Secretary (Part 711 of this chapter) which are available at the office of the county committee.

§ 730.628 *Redelegation of authority.* Any authority delegated to the State committee by §§ 730.610 to 730.629 may be redelegated by the State committee.

§ 730.629 *Applicability of the regulations in this subpart.* Sections 730.610 to 730.629, inclusive, shall govern the establishment of farm and producer rice acreage allotments in connection with the marketing quota and price support programs for the 1955 crop of rice.

NOTE: The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D. C., this 12th day of January 1955. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F R. Doc. 55-396; Filed, Jan. 17, 1955; 8:46 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 571, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953 19 F R. 7175) regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in the State of California or in the State of Arizona.

Order as amended. The provisions in paragraph (b) (1) (ii) of § 953.678 (Lemon Regulation 571, 20 F R. 193) are hereby amended to read as follows:

(ii) District 2: 240 carloads.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated. January 13, 1955.

[SEAL] S. R. SMITH,
Director Fruit and Vegetable Division, Agricultural Marketing Service.

[F R. Doc. 55-420; Filed, Jan. 17, 1955; 8:50 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF JUSTICE

Effective upon publication in the FEDERAL REGISTER, paragraph (p) (4) is added to § 6.308 as set out below.

§ 6.308 *Department of Justice.* * * *

(p) *Internal Security Division.* * * *

(4) One Confidential Assistant (Private Secretary) to the Assistant Attorney General.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F R. 1823, 3 CFR, 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] WM. C. HULL,
Executive Assistant.

[F R. Doc. 55-404; Filed, Jan. 17, 1955; 8:48 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

FOREIGN OPERATIONS ADMINISTRATION

Effective upon publication in the FEDERAL REGISTER, paragraph (b) (6) of § 6.349 is amended as set out below.

§ 6.349 *Foreign Operations Administration.* * * *

(b) *Office of the Deputy Director for Management.* * * *

(6) Two Special Assistants for Congressional Liaison.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F R. 1823, 3 CFR, 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] WM. C. HULL,
Executive Assistant.

[F R. Doc. 55-405; Filed, Jan. 17, 1955; 8:48 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter C—Production and Subsistence Loans

[FHA Intruction 441.2]

PART 341—POLICIES AND AUTHORITIES

[FHA Instruction 441.3]

PART 342—PROCESSING

[FHA Instruction 441.4]

PART 344—GROUP SERVICES

[FHA Instruction 441.5]

PART 345—MEMBERSHIP IN COOPERATIVE ASSOCIATIONS

Subchapter E—Account Servicing

[FHA Instruction 456.1]

PART 364—SETTLEMENT

Subchapter F—Security Servicing and Liquidations

[FHA Instruction 462.1]

PART 371—OPERATING LOANS

MISCELLANEOUS AMENDMENTS

1. Subchapter C in Title 6, Code of Federal Regulations, is amended to revoke Parts 341 (17 F R. 7801, 19 F R. 991) 342 (17 F R. 7801, 19 F R. 2939), and 343 (17 F R. 7805, 18 F R. 1496) and add new Parts 341 and 342 as follows:

Sec.
341.1 General.
341.2 Selection of applicants.
341.3 Use of loan funds.

Sec.
341.4 Terms of loans.
341.5 Security policies.
341.6 Loan limitations and requirements.
341.7 Loan approval authority.
341.8 Authorization for making annual Production and Subsistence loans.
341.9 Making and servicing loans to poultrymen to finance commercial laying flocks.

AUTHORITY: §§ 341.1 to 341.9 issued under sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (i). Interpret or apply sec. 21, 60 Stat. 1072, 65 Stat. 197, sec. 44 (b), 60 Stat. 1069; 7 U. S. C. 1007, 1018 (b).

§ 341.1 *General.* (a) Title II of the Bankhead-Jones Farm Tenant Act, as amended, authorizes the making of Production and Subsistence loans to eligible farmers and stockmen for financing farm and home needs. The objective of this loan program, through the extension of credit and supervision, is to enable such farmers and stockmen to become established successfully in a sound, well-balanced system of farming in order to make full and efficient use of their land and labor resources.

(b) Production and Subsistence loans are authorized for the purpose of assisting eligible applicants (1) whose primary needs are credit and guidance in making the adjustments and improvements necessary for successful farm and home operations on family-type farms; (2) who have or can acquire, with the assistance provided by the Farmers Home Administration, the necessary land and labor resources for making such adjustments and improvements; (3) who have or through proper guidance can develop the abilities needed to carry out successful family-type farm and home operations; and (4) who have reasonable prospects of paying their loans within the scheduled period and of operating within a reasonable period without further assistance from the Farmers Home Administration.

(c) Except for annual Production and Subsistence loans as provided in § 341.8, each Production and Subsistence loan will be based on a long-time and annual Farm and Home Plan developed jointly by the applicant and the County Supervisor.

(d) Preference will be given to eligible veteran applicants in making Production and Subsistence loans. However, there is no difference in the eligibility and loan requirements for veterans and nonveterans.

§ 341.2 *Selection of applicants*—(a) *Qualifications.* Before a Production and Subsistence loan is made, the applicant must:

(1) Be a citizen of the United States.

(2) Possess legal capacity to contract for the loan.

(3) Have had farm experience or training sufficient to indicate reasonable prospects of conducting successful family-type farming operations. He may be an individual who for special reasons may not have farmed during the past few years but whose background and normal means of livelihood in the past have been farming.

(4) Be operating a family-type farm or, with the assistance available from the Farmers Home Administration, become the operator of such a farm after the loan is made.

(5) Be unable to obtain sufficient credit to finance his actual needs at rates (but not exceeding the rate of five percent per annum) and terms prevailing in or near his community for loans of similar size and character.

(6) Derive, after the loan is made, the major portion of his income from farming or stock raising and spend the major portion of his time in carrying on his farming or stock-raising operations. Under this policy an applicant who will be seasonally employed off the farm during the early years of his loans may qualify for assistance. However, a loan will not be made to an applicant who will carry on a type of farming which will require substantial income from other employment during the term of the loan or to an applicant who will be regularly employed off the farm. Payments to a veteran for pensionable disabilities and other veterans' benefits will not be considered in determining whether an applicant will derive the major portion of his income from farming operations.

(7) Own, or have available under satisfactory tenure arrangements, a farm suitable for carrying on successful family-type farming operations.

(8) Be an individual whom the evidence indicates will endeavor honestly to carry out the undertakings and obligations required of him under the loan.

(b) *Certification by applicant.* Before an application for a Production and Subsistence loan is considered, the applicant must certify in writing on Form FHA–49, "Certifications — Production and Subsistence Loans," that he is a citizen of the United States and that sufficient credit to meet his actual needs for the designated crop year is not available to him at the rates (but not exceeding the rate of five percent per annum) and terms for loans of similar size and character prevailing in or near the community where he resides. It will not be necessary for the applicant to submit written rejections from other credit sources except when required by the County Committee or loan approval official.

(c) *Certification by County Committee.* Before a Production and Subsistence loan is approved, the County Committee must certify in writing on Form FHA–49 at a Committee meeting that the applicant is eligible to receive a loan under the provisions of title II of the Bankhead-Jones Farm Tenant Act, as amended; that credit sufficient in amount to finance the actual needs of the applicant is not available to him at the rates (but not exceeding the rate of five percent per annum) and terms prevailing in or near the community in which the applicant resides for loans of similar size and character from commercial banks, cooperative lending agencies, or from any other responsible source; and that, in the opinion of the Committee, the applicant will honestly endeavor to carry out the undertakings and obligations required of him. In addition, the County Committee will establish the maximum amount of credit which may be extended to meet the actual needs of the applicant under the certification during the crop year indicated. In determining an applicant's eligibility the County Committee will consider the qualification requirements set forth in paragraph (a) of this section, his reputation for honesty and meeting his obligations, his financial condition in relation to the requirements of local creditors, his farm training and experience, his chattel resources, the size and quality of the particular farm which he will operate, the approximate acreages of crop and pasture lands, the types and condition of buildings, and the suitability of the farm for family-type farming operations. If it is found, after an applicant has been certified as eligible that a different farm will be operated or that an amount of credit in excess of the maximum previously established by the County Committee will be required for the designated crop year, it will be necessary for the County Committee again to certify the applicant as eligible on the basis of the changed circumstances.

(d) *Administrative determinations.* When an applicant has been certified as eligible for a Production and Subsistence loan by the County Committee in accordance with paragraph (c) of this section the loan approval official will determine administratively whether the applicant meets the requirements prescribed in paragraph (a) of this section and other requirements for a loan. It is the responsibility of the loan approval official to determine whether a sound loan has been developed in keeping with the objectives of title II of the Bankhead-Jones Farm Tenant Act, as amended, and, if it appears that such objectives cannot be accomplished, a loan will not be made.

§ 341.3 *Use of loan funds.* (a) Production and Subsistence loans may be made for:

(1) Purchasing necessary livestock, farm equipment, farm equipment repairs, seeds, fertilizer, feed, lime, insecticides, farm supplies, and other farm needs. These purposes do not include the purchase of passenger automobiles.

(2) Paying for necessary hired farm labor during peak seasons or periods of emergency and for necessary custom work or services.

(3) Paying cash rent where no other satisfactory rental arrangements can be effected, for not more than one year in advance, provided:

(i) The applicant is obligated under a written lease to pay in advance the amount to be loaned for such purpose.

(ii) The terms of the lease provide the applicant with reasonably secure and satisfactory tenure.

(4) Paying debts secured by liens on livestock or farm equipment, but not including household furnishings and household equipment, when such action is necessary to enable the applicant to retain the property or when a split line of credit in connection with a basic livestock herd or flock is not feasible because of the difficulties in identifying security property and accounting for income, provided. (i) The property involved is essential to the applicant's farming

operations and is of the type and quality needed; (ii) the amount refinanced does not exceed the fair market value of the livestock and farm equipment serving as security for the debt being refinanced as shown by a report in the docket containing the County Supervisor's, Assistant County Supervisor's or Emergency Loan Supervisor's appraisal of the livestock and farm equipment involved, and (iii) the loan is not made primarily for the purpose of exchanging creditors, extending the time for payment, or obtaining a lower interest rate. Debts which are owed at the time the Farm and Home Plan is prepared and which are not secured by actual liens on livestock or farm equipment may not be paid with Production and Subsistence loan funds.

(5) Paying on debts secured by liens on essential farm equipment not to exceed one year's delinquent interest or interest about to fall due and an amount equal to depreciation in any one year at the rate of not to exceed 10 percent per year of the reasonable value of such equipment, provided: (i) The payment of such interest or depreciation or both is necessary to enable the applicant to retain possession of the property (ii) the applicant will not have income available from which his scheduled payment on the debt can be paid, (iii) the interest rate on the debt is not in excess of the prevailing rates for credit for these purposes in the area, and (iv) the lienholder signs a nondisturbance agreement covering at least the crop year reflected in the Farm and Home Plan.

(6) Paying taxes on real and personal property owned by the applicant essential to his farming operations when such action is necessary to preserve the property involved. However, Production and Subsistence loan funds will not be used to pay taxes, either current or delinquent, on Farm Ownership and Farm Housing farms.

(7) Paying premiums on insurance policies covering property serving as security for Farmers Home Administration loans, except that Production and Subsistence loan funds may not be used to pay the initial premium on insurance policies covering buildings on Farm Ownership farms; however, such funds may be used to pay subsequent premiums on such policies carried by Farm Ownership and Farm Housing borrowers if the applicant is unable to pay premiums out of his own funds, and if a Production and Subsistence loan is being made at the time primarily for some other purpose.

(8) Purchasing essential home equipment and furnishings and home equipment repairs required by the applicant family to sustain itself on the farm in a reasonably satisfactory manner.

(9) Meeting family subsistence needs, including premiums on reasonable amounts of health and life insurance and expenses for medical care. Applicants must understand, however, that within the limits of their resources they must plan and carry on adequate food production and conservation programs. After the first year on the program, loans will not be made for the purchase of food that could have been produced feasibly on the farm.

(10) Erecting necessary farm buildings, making essential repairs and improvements to existing farm buildings, and purchasing equipment and paying other costs incidental to establishing or improving a farmstead water supply, provided not more than $1,000 may be advanced to a borrower for any or all such purposes during any fiscal year. (See limitation paragraph (b) of this section.)

(11) Purchasing fencing material. (See limitation paragraph (b) of this section.)

(12) Establishing and improving pastures and hay crops, constructing terraces and waterways, land clearing and leveling, drainage, farm ponds, and paying for other approved soil and water conservation and improvement measures. (See limitation paragraph (b) of this section.)

(13) Acquiring memberships in farm purchasing and marketing and farm-service-type cooperative associations. However, loan funds will not be used to purchase memberships in production cooperatives or memberships for the purpose of establishing control by the Farmers Home Administration in any type of cooperative.

(b) The use of Production and Subsistence loan funds for the purposes authorized in paragraph (a) (10) (11) and (12) of this section is subject to the following limitations:

(1) Before a Production and Subsistence loan is made for such purposes, a careful analysis must be made of the applicant's resources and proposed operations and a determination made (i) that such real estate improvements cannot be provided practicably through Farm Ownership loans; (ii) that the land improvements and water development credit needs are not of such substantial amounts that a Soil and Water Conservation loan would be required, (iii) that the farm can be developed to the extent that a sound farm and home program can be established on the farm within the prescribed Production and Subsistence loan limitations, taking into consideration the applicant's need for additional operating credit during the period of development; and (iv) that the applicant will be able to pay his Production and Subsistence loans within the prescribed payment period. If the analysis of the borrower's resources and the proposed farm and home operations discloses that these conditions cannot be met under this authority Production and Subsistence loan funds will not be advanced for these purposes.

(2) Generally additional real estate improvements needed on the farm of a Farm Ownership borrower operating a family-type farm should be obtained through a Farm Ownership loan. However, where the development costs are small in relation to the real estate investment and can be provided under the policies set forth above, Production and Subsistence loan funds may be used for this purpose subject to the following:

(i) For a direct Farm Ownership borrower, the unpaid balance on the borrower's Farm Ownership loan plus the Production and Subsistence loan funds to be advanced for real estate purposes must not exceed the fair and reasonable value of the farm as certified by the County Committee.

(ii) For an insured Farm Ownership borrower, the unpaid balance on the borrower's Farm Ownership loan plus the Production and Subsistence loan funds to be advanced for real estate purposes must not exceed 90 percent of the fair and reasonable value of the farm as certified by the County Committee.

(iii) With respect to either a direct or insured Farm Ownership borrower, the loan approval official must determine from his knowledge of the farm or from information available in the County Office records that the fair and reasonable value of the farm with the contemplated improvements will not exceed the average value of efficient family-type farm management units in the County in which the farm is located (see § 311.29 of this chapter)

(iv) For a Farm Housing borrower, the unpaid balance on the Farm Housing loan and other loans secured by liens on the real estate plus the Production and Subsistence loan funds advanced for real estate purposes must not exceed the reasonable value of the farm as recommended by the County Committee.

(3) Production and Subsistence loan funds may not be used to finance real estate improvements which are included in the original Farm Development plan.

(4) Production and Subsistence loans may not be used in lieu of the authority to make Soil and Water Conservation loans except that when Production and Subsistence loans are being made for other purposes, funds not in excess of $500 may be included for Soil and Water Conservation purposes.

(5) Production and Subsistence loans may not be made for these purposes to a tenant unless he has a written lease for a sufficient period of time and under terms that will enable him to obtain reasonable returns on his investment. In addition, the lease in such case must provide for compensating the tenant for any unexhausted value of the improvement upon termination of the lease. In the case of an owner, it must be determined before funds are advanced for these purposes that he will likely continue to operate the farm for a sufficient period of time and under such terms that will enable him to obtain reasonable returns of his investment. In cases involving tenant applications, the loan docket must contain positive evidence that the landlord, applicant, and County Supervisor have thoroughly discussed and agreed to the proposed improvements.

§ 341.4 *Terms of loans.* (a) Interest will be charged at the rate of 5 percent per annum on all Production and Subsistence loans. Interest will accrue from the date of the loan check on outstanding principal only and will not be compounded.

(b) Payments of principal on adjustment Production and Subsistence loans will be scheduled in accordance with the borrower's reasonable ability to pay determined by an analysis of his farm and home operations as reflected in his long-time and annual Farm and Home Plans.

Except as provided in paragraph (e) of this section, principal payments on such loans will be scheduled at least annually unless it is determined that income sufficient to meet the initial payment will not be received within 12 months from the date of the loan check, in which case the initial payment may be scheduled on a date coinciding with the date the income is to be received, but not beyond 18 months from the date of the loan check, and at least one payment will be scheduled during each 12-month period thereafter. In no event will any payment be scheduled later than seven years from the date of the loan check.

(1) Advances for annual recurring expenses will be scheduled for payment when the principal income from the year's operations normally would be received. Advances for such purposes as seeding permanent-type legumes and grasses and for basic soil treatment are not considered annual recurring expenses and may be scheduled for payment over a period consistent with the applicant's payment ability but in no event longer than the expected life of the seeding or treatment.

(2) Advances to purchase or produce feed for productive livestock, or livestock to be fed for the market, will be scheduled for payment when the principal income from the sale of such livestock or livestock products normally can be expected.

(3) Advances for purposes other than those enumerated in subparagraph (1) and (2) of this paragraph will be scheduled for payment over the minimum period consistent with the applicant's ability to pay as determined from an analysis of the farm and home operations. In no instance may the payment schedule extend beyond the useful life of the security offered for the advance.

(c) Generally, an adjustment Production and Subsistence loan will be scheduled for payment over a period not exceeding five years; however, payments may be scheduled over a longer period, but not exceeding seven years, when it is evident that the applicant will not realize sufficient income from his proposed operations to retire the loan in an orderly manner within a shorter period. A payment schedule up to seven years may be justified only in the following situations:

(1) Dairy or beef cattle herds are being built up or improved and maximum production cannot be anticipated soon enough to permit full payment of the loan within a five-year period.

(2) Substantial amounts are being advanced for pasture development, fencing, and other land improvements and a longer payment period is needed for paying advances for these purposes along with the advances for capital purchases.

(3) A major farm reorganization is planned and a relatively large investment is required in working capital.

(4) The investment in livestock or equipment required to maintain or expand the enterprise as an efficient family-type operation is exceptionally heavy and a payment schedule longer than five years is necessary.

(d) In states in which original notes evidencing Production and Subsistence loans cannot be scheduled for payment over the entire payment period agreed upon with the applicant because crop and chattel mortgage liens in those states are not valid for that length of time, Form FHA–258, "Agreement to Extend Payment Period," will be used to reflect that agreement and will serve as a basis for taking the original notes and security instruments, as well as for taking additional notes and security instruments to extend the debt and lien.

(e) The initial principal and interest payment on an adjustment Production and Subsistence loan may be deferred until the end of the second full crop year following the date of the loan when income sufficient to make the initial payment is not expected at an earlier date. Since payments on such a loan may be extended, in justifiable cases, over a period not in excess of seven years and the amount scheduled for payment each year may vary according to the payment ability of the borrower, it is expected that the privilege of complete deferment of the initial payment will be used only rarely A deferred payment may be justified in some cases when the loan is being scheduled over a period in excess of five years in situations referred to in paragraph (c) (2) and (3) of this section and there will not be sufficient farm income realized from the operations to make a payment at the end of the first full crop year.

(f) Annual Production and Subsistence loans authorized in § 341.8 will be scheduled for payment when the principal income normally will be received. In no case may such a loan be scheduled for payment over a period in excess of twelve months from the date of the loan check, except that a loan made to purchase or produce feed for livestock being fed for the market, or to purchase or produce feed for productive livestock, may be scheduled for payment over a period not exceeding 18 months.

§ 341.5 *Security policies.* (a) Each Production and Subsistence loan will be secured for the full amount of the loan as follows:

(1) By a first lien on all livestock and farm equipment purchased or refinanced with the proceeds of the loan, except no lien will be taken on small tools and equipment.

(2) By a first lien on the crops growing or to be grown by the applicant, except:

(i) When an adjustment Production and Subsistence loan is made to a tenant, the Government's lien may be subject to the landlord's interest in the crops for the current year's rent.

(ii) When an annual Production and Subsistence loan is made to a tenant, the Government's lien may be subject to the landlord's claim for a reasonable share of the crops for rent for the current year.

(iii) When an adjustment Production and Subsistence loan is made to an applicant whose crops are subject to a lien contained in a purchase contract or a real estate mortgage, the Government's lien may be taken subject to the purchase contract holder's or mortgagee's lien for the current year's installment on the real estate debt, provided the amount of such installment is reasonable when related to the normal rental charges for similar farms in the area.

(iv) If a particular crop of the applicant is under lien as security for advances made by another creditor to produce the crop, or is to be financed by another creditor, the Government's lien may be subject to the lien of the other creditor, provided no advance will be made by the Farmers Home Administration in connection with such crop.

(3) By the best lien obtainable on as much of the livestock and farm equipment of security value owned by the applicant at the time the loan is made as is necessary to protect the interest of the Government; however, when a loan is made to a tenant the landlord will be required to subordinate any interest or lien which he may have on such livestock and equipment that resulted from advances made for supplies, supplies furnished, or past rent due.

(4) Loans made to purchase or produce feed for livestock being fed for market or to be fed to productive livestock, other than those used for subsistence purposes, must be secured by first liens on such livestock. However, in connection with annual Production and Subsistence loans where it is not possible to obtain a first lien on such livestock, a second lien will be acceptable provided: (i) The applicant has sufficient equity in the property to justify such action, (ii) prior lien holders sign Form FHA–916, "(Agreement—Special Livestock Loan) " or similar form approved by the representative of the Office of the Solicitor agreeing to a definite nondisturbance period and to a division of the income to be received from the livestock which will permit the borrower to pay his annual Production and Subsistence loan in accordance with the policies expressed in this part.

(5) Borrowers having insurance on cash crops from which payments are expected will be required to give written assignments of the proceeds of such insurance. If such insurance is to be obtained at a later date, an agreement will be reached with the borrower to give an assignment when the insurance is obtained.

(6) When loans are made to finance dairy enterprises from which payments are expected, assignments will be taken on the milk income to assist in obtaining regular payments as income is received whenever it is possible to obtain an agreement from the purchaser to honor the assignments. Assignments of proceeds from the sale of other agricultural products will be taken when necessary to protect the interests of the Government.

(b) In order to carry out the security policies expressed in paragraph (a) of this section, subordination agreements will be obtained in accordance with the provisions of § 342.3 (b) of this subchapter as supplemented by State Instructions.

(c) Lien searches will be obtained in accordance with the provisions of Part 342 of this subchapter to determine that

the Government will receive the required security.

§ 341.6 *Loan limitations and requirements.* The following loan requirements and limitations will be observed in making Production and Subsistence loans:

(a) The amount of each loan will be limited to the needs of the applicant and his ability to pay, provided:

(1) No Production and Subsistence loan may be made in excess of $7,000.

(2) No Production and Subsistence loans may be approved in excess of a total of $7,000 to any one borrower within any 120-day period.

(3) No loan may be made that will result in a borrower becoming indebted in excess of $10,000 for Production and Subsistence loans. This maximum limit will include principal, other charges paid by the Government in connection with any such loans and charged to the account of the borrower, and interest on the outstanding debt projected to the estimated date of the loan check.

(b) No loan may be made to an applicant who has been indebted continuously for Production and Subsistence loans for seven consecutive years until all of his indebtedness under such loans has been paid in full. Settlement of indebtedness on Production and Subsistence loans does not constitute payment in full in determining the period of continuous indebtedness and therefore the period of continuous indebtedness continues to run without regard to the debt settlement action. When a borrower is approaching the seven-year continuous indebtedness limitation the loan check must be dated before that limit is reached.

(c) No loan may be made to an applicant who is indebted for production-type loans made prior to November 1, 1946, which are being serviced and collected by the Farmers Home Administration. Production-type loans as used in this part include Rural Rehabilitation loans made from either appropriated or State Rural Rehabilitation Corporation funds, Flood and Windstorm Restoration loans, Wartime Civilian Control Administration loans which were made for production-type purposes, and Emergency Crop and Feed, 1934–35 Drought Feed, and Regional Agricultural Credit Corporation loans, but do not include Farm Development loans made from Rural Rehabilitation or State Rural Rehabilitation Corporation funds. Debts arising out of production-type loans made prior to November 1, 1946, which were settled or paid before November 1, 1953, will not be taken into consideration in determining eligibility for Production and Subsistence loans. However, if these debts were not settled or paid before November 1, 1953, they (as well as any Production and Subsistence loans owed) will have to be paid in full in order for the borrower to be eligible for Production and Subsistence loans. The amount required to pay in full production-type loans made prior to November 1, 1946, which are settled after October 31, 1953, will be computed as prescribed in Part 342 of this subchapter.

(d) Production and Subsistence loans may not be made for the purchase of real estate or for making payments on real estate already purchased. Among other things, this precludes the making of Production and Subsistence loans for the purpose of making down payments on Farm Ownership farms, for replacing livestock and equipment sold primarily for the purpose of obtaining funds with which to make such down payments, and for the refinancing of debts incurred for that purpose.

(e) A joint loan may be made to husband and wife, mother and son, or father and son, living together as a family and operating jointly the same farm unit. No other joint loans may be made. However, separate loans may be made to eligible individuals who are engaged jointly in farming, provided: (1) Not more than two individuals are interested in the operations, (2) the security requirements contained in § 341.5 are met, and (3) the operations provide the equivalent of a family-type operation for each applicant family. If a loan is made to only one such individual, it will be secured by a first lien on his interest in the crops and chattels and the other individual will be required to execute the mortgage with him so as to disclaim any interest in the security property offered by the applicant. If a loan is made to each of the two individuals, the security instruments for each will be executed by both, or a joint mortgage may be taken.

(f) Before Production and Subsistence loans are made, applicants will be required to make satisfactory arrangements for the use of sufficient land of the quality and condition necessary for carrying on the type of farming intended on a sound and practical basis. Before loans are made to tenants a proper understanding must be reached regarding their tenure arrangements. The understanding will include: (1) How the farm will be operated, (2) the manner in which the adjustments and improvements will be financed, (3) the distribution of income and expenses and other contributions by the tenant or the landlord, (4) agreement on the pertinent long-time aspects of the case, and (5) any other factors affecting the tenure relationship.

(g) Before a loan can be made to an applicant for whom debts have been settled pursuant to Subpart A in Part 364 of this chapter as reflected by the County Office records, or where a settlement under such subpart is contemplated, it must appear conclusively that (1) the applicant's failure to pay his loan indebtedness was the result of circumstances beyond his control, (2) the causes which necessitated the debt settlement, other than weather hazards, disasters, or price fluctuations, have been removed, and (3) the borrower's operations will be sound and afford him a reasonable prospect of paying the loan and meeting his other obligations. Loans in such cases must be submitted to the National Office for review prior to approval.

§ 341.7 *Loan approval authority.* State Directors are authorized to approve Production and Subsistence loans to eligible applicants subject to applicable policies and provisions contained in this part and Parts 342, 344, and 345 of this subchapter. State Directors are authorized to redelegate to qualified State Office employees and to County Office Supervisors, Assistant County Supervisors, and County Supervisor-Appraisers all or any part of their authority to approve Production and Subsistence loans, and may restrict or revoke such redelegations.

§ 341.8 *Authorization for making annual Production and Subsistence loans.* In areas where a need exists for emergency credit, generally such need will be met through the authority to make Emergency loans. However, if it is found that an applicant does not qualify for an Emergency loan, but due to circumstances beyond his control is in need of emergency credit and meets the requirements set forth in § 341.2 (a) an annual Production and Subsistence loan may be made provided the applicant is conducting reasonably sound farming operations of a satisfactory nature and does not need to make major adjustments in such operations, it is not anticipated under normal conditions that similar loans will be needed in subsequent years, and loan funds will not be used for paying debts.

(a) Before an annual loan is made, the loan approval official will determine that (1) the loan can be paid within a period not to exceed twelve months, except that loans to purchase or produce feed for livestock being fed for market or to purchase or produce feed for productive livestock, may be paid as provided in § 341.4 (f) without jeopardizing the applicant's future operations; (2) the amount of loans and the purposes for which the funds are to be used are consistent with the applicant's needs for the year; (3) the applicant has made adequate provision for meeting all necessary farm and home expenses, either through the loan or other sources; and (4) the estimated income from which the loan will be paid is sufficient for that purpose and to provide a reasonably safe margin, taking into consideration production hazards and price fluctuations.

(b) The foregoing determinations will be based upon an analysis of the applicant's resources, farming experience and ability debt payment history, and proposed operations.

§ 341.9 *Making and servicing loans to poultrymen to finance commercial laying flocks.* The following requirements will be observed in the making and servicing of Production and Subsistence loans to poultrymen to finance commercial laying flocks in addition to the requirements outlined in §§ 341.1 to 341.6 and §§ 371.1 to 371.16 of this chapter.

(a) *Loan making.* (1) No loan will be made unless the applicant has a background of successful experience with a commercial poultry enterprise, and has or will obtain with the assistance of the Farmers Home Administration at least the minimum resources necessary for this type of enterprise and is willing and able to carry out the approved practices considered by reliable poultry specialists as essential to success in the enterprise.

(2) Loan funds advanced for the purchase of chicks, pullets, or hens will be scheduled for repayment by the time it is anticipated that the flock will be sold. Loans for operating expenses will be scheduled for repayment in accordance with § 341.4, but in no event later than the time it is anticipated that the flock will be sold. Loan funds advanced for facilities and equipment may be scheduled for repayment over a longer period of time in accordance with § 341.4.

(3) Because eggs are the primary source of income from commercial laying flocks payments on loans made to finance such flocks should be made primarily from egg income rather than from the sale of the flock. Agreements will be reached with each borrower providing for regular payments from egg income in amounts sufficient to retire the loan in accordance with this policy. Whenever possible, assignments of egg proceeds will be obtained.

(4) All poultry including replacements, must be made subject to a first lien in favor of the Farmers Home Administration.

(b) *Security servicing.* (1) Proceeds from the sale of cull birds may be released as normal farm income for the purposes contained in § 371.5 of this chapter when the poultry numbers are being maintained at planned levels and a replacement program is being followed which will maintain egg production, and the borrower is paying a proper share of the egg income on the Farmers Home Administration loan and scheduled payments are being met currently When these conditions cannot be met, such proceeds will be applied on the Farmers Home Administration loan.

(2) Borrowers will be responsible for accounting for all security, including cull birds. A complete accounting will be required of each borrower a minimum of twice each year.

Sec.
342.1 General.
342.2 Definitions.
342.3 Loan forms and routines.
342.4 Review and approval or rejection.
342.5 Loan closing.
342.6 Revision in the use of loan funds.

AUTHORITY: §§ 342.1 to 342.6 issued under sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (i). Statutory provisions interpreted or applied are cited to text.

§ 342.1 *General.* This part sets forth the requirements and procedures for the preparation and execution of documents and for other routines in connection with making Production and Subsistence loans.

§ 342.2 *Definitions.* (a) "Applicant" is any individual who applies for a Production and Subsistence loan, regardless of whether he has previously obtained or is presently indebted for a loan.

(b) "Initial Adjustment Loan" is a Production and Subsistence loan based on a Farm and Home Plan and made to an applicant who is not indebted for a Production and Subsistence loan based upon such a plan.

(c) "Subsequent Adjustment Loan" is a Production and Subsistence loan based on a Farm and Home Plan and made to an applicant who is indebted for a Production and Subsistence loan based upon such a plan.

(d) "Annual Loan" is a Production and Subsistence loan not based on a Farm and Home Plan. The terms "Initial" and "Subsequent" are not used in connection with annual loans.

(Sec. 21, 65 Stat. 197; 7 U. S. C. 1007)

§ 342.3 *Loan forms and routines*—(a) *Applications for loans.* (1) Applicants for initial adjustment loans will execute Form FHA–197, "Application for FHA Services," in an original only

(2) Applicants for subsequent adjustment loans will not execute Form FHA–197, but will execute Form FHA–49, "Certifications—Production and Subsistence Loans," in accordance with paragraph (b) of this section. Also, if current financial information is not available in the County Office records, Table A of Form FHA–14, "Farm and Home Plan," will be completed in an original only for the use of the County Committee in determining the eligibility of the applicant.

(3) Applicants for annual loans will execute Form FHA–197 and Form FHA–197A, "Report on Application for Loan," in the originals only.

(4) If the applicant owes any debts to the Farmers Home Administration which have been settled for less than payment in full, and if such settlement would make him ineligible for the loan applied for, he must pay in full the debt which was settled before the loan applied will be approved.

(b) *Form FHA–49, "Certifications—Production and Subsistence Loans."* Form FHA–49 will be executed in an original only and retained in the County Office. Part I, "Applicant Certification," on Form FHA–49 will be executed by the applicant. When the applicant is determined to be eligible, the County Committee will execute Part II, "County Committee Certification," on Form FHA–49 before the loan is approved. When the applicant is determined to be ineligible by the County Committee, the County Supervisor will notify the applicant of the County Committee action and the reasons therefor. County Committee actions regarding the eligibility of applicants will be taken in Committee meetings attended by at least two members.

(c) *Form FHA–14A, "Long-Time Farm and Home Plan."* Form FHA–14A will be prepared in connection with adjustment loans in an original and one copy. The original will be retained by the applicant and the copy will be filed in the County Office.

(d) *Form FHA–14, "Farm and Home Plan."* In making adjustment loans, a Farm and Home Plan encompassing the applicant's operations and credit needs for the planned crop year will be developed. The applicant will be provided a copy of the Farm and Home Plan either in the record book or on Form FHA–14 and a copy will be retained in the County Office.

(e) *Tenure agreement.* Generally a copy of the lease agreement between tenant applicants and their landlords will be obtained and made a part of the loan docket. Where it is not practical to obtain a copy of the lease agreement, a statement setting forth those terms and conditions of the agreement which are not clearly reflected in the Farm and Home Plan will be prepared and made a part of the loan docket.

(f) *Form FHA–31, "Promissory Note."* Form FHA–31 will be prepared in an original and two copies for each loan. The amount of each loan and the scheduled payments thereon will be in multiples of $5. Not more than 4 payments on a single note will be scheduled for any year. The time limitations for payment schedules prescribed in § 341.4 of this chapter run from the date of the loan check instead of from the date of the note. Form FHA–31 will be dated as of the date of execution by the applicant, and the original only will be executed. The applicant's spouse will be required to execute Form FHA–31 when legally required by State law, or when the loan approval official determines that the signature is needed because of the spouse's interest in the farm being operated or in property offered as security, or when it is determined by the State Director on a state basis that the spouse's signature will be required. The State Director, with the advice of the representative of the Office of the Solicitor, will issue an appropriate State Instruction concerning the spouse's signature on Form FHA–31. The original of Form FHA–31 will be submitted to the National Finance Office; one copy will be retained in the County Office; and the other copy will be given to the applicant.

(1) The following requirements will be met in establishing payment schedules:

(i) Payments will be scheduled at least annually, unless it is determined that income sufficient to meet the initial payment will not be received within 12 months from the date of the loan check, in which case the initial payment may be scheduled on a date coinciding with the date the principal income is to be received but not beyond 18 months from the date of the loan check, and at least one payment will be scheduled during each 12-month period thereafter. In no event will payments be scheduled later than seven years from the date of the loan check.

(ii) When the initial payment is to be deferred pursuant to the authority contained in § 341.4 (e) of this subchapter, the first payment will be scheduled to fall due when the principal income from the second full crop year normally would be expected and payments will be scheduled at least annually thereafter, except that the date of the last installment may not extend beyond seven years from the date of the loan check. If a loan is made during a crop year and sufficient time remains in that year for the applicant to realize substantial benefits from the year's operations, the crop year during which the loan was made will be considered as the first full crop year. Otherwise, the crop year immediately following that during which the loan was made will be considered as the first full crop year. The amount of the initial installment will be based upon the applicant's anticipated ability to pay

by the end of the second full crop year following the date of the loan check, taking into consideration the fact that the interest which has accrued during the period of deferment will fall due concurrently with the initial installment.

(iii) The amount of each installment must be based upon the payment ability of the borrower and in every case must be more than a mere nominal or token payment.

(g) *Form FHA–258, "Agreement to Extend Payment Period."* In states where Form FHA–258 is authorized by State Instructions for use in extending the payment period beyond the period for which crop and chattel mortgage liens are valid, such form will be prepared in appropriate cases to reflect the payment schedule agreed upon with the borrower in accordance with the requirements contained in paragraph (f) of this section. In such cases the payment schedule on Form FHA–31 will be identical with the payment schedule on Form FHA–258, except that the last installment on Form FHA–31 will be scheduled to fall due at least 90 days prior to the expiration of the lien taken to secure the note and will be in an amount equal to all of the installments shown as falling due on the Form FHA–258 on and after the final due date shown on the note. Forms FHA–258 and FHA–31 will be in the same amount and will bear the same date. Form FHA–258 will be prepared in an original and two copies, and the original and one copy will be executed by the County Supervisor and approved by the applicant. The original will be transmitted to the National Finance Office with the other loan documents, the executed copy will be given to the applicant, and the unsigned copy will be retained in the County Office file.

(h) *Form FHA–5, "Loan Authorization."* Form FHA–5 will be prepared in an original and one copy for the total amount of the loan as indicated on Form FHA–31. Separate Forms FHA–5 will be prepared for each loan. The original will be signed by the applicant. The approving official will indicate his determination that the applicant is eligible and his approval of the loan by signing and dating the original in the space provided, and by inserting his title. The original and copy of Form FHA–5 will be submitted to the National Finance Office. The copy will be returned to the County Office by the National Finance Office when the authorization is certified for payment.

(i) *Immediate and future loans.* All of the applicants anticipated credit needs for the crop year will be planned for when Form FHA–14 or Form FHA 197A is developed. Such documents may provide for the loan funds to be disbursed in an immediate loan, or in an immediate loan and one or more future loans, or in one or more future loans without an immediate loan. However, all such loans must be disbursed at least 30 days apart and not later than the end of the fiscal year in which they were approved. If it is not practical for all of the loans to be disbursed by the end of the fiscal year, additional loans may be approved and submitted after the beginning of the succeeding fiscal year to meet the remainder of the applicant's credit needs for that crop year. Subject to the above requirements, additional loans also may be submitted at any time during the crop year to meet credit needs of the applicant which could not be anticipated at the beginning of the crop year, provided the need for such credit is reflected on a revision of Form FHA–14 or Form FHA–197A. When credit is to be extended in more than one loan, a separate loan authorization and note must be submitted for each loan.

(j) *Form FHA–30, "Crop and Chattel Mortgage."* Form FHA–30 will be prepared in an original and one copy if it is to be recorded, and two copies if it is to be filed. The property listed should be described accurately and adequately and should be reconciled with any existing security instruments. The original (and one copy if it is to be filed) will be executed by the applicant, and the original will be acknowledged or witnessed as required by State Instructions. The requirements for the signature of the applicant's spouse will be as prescribed for Form FHA–31 in par. (f) of this section.

(k) *Form FHA–32, "Subordination Agreement."* In states in which the landlord acquires by statute a lien on crops or personal property for advances made for supplies, or for supplies furnished, or for past due rent, or if the landlord has acquired such interest by lease, mortgage, or other contract, the landlord will be required to execute a subordination agreement as provided in paragraph (k) (1) or (2) of this section. Likewise, if a real estate contract purchase holder or a real estate mortgagee has or will obtain a lien on the applicant's crops under the terms of the contract or mortgage, such contract holder or mortgagee will be required to execute a subordination agreement as provided in paragraph (k) (3) (i) or (ii) of this section. Form FHA–32, or other form approved by the State Director where Form FHA–32 is not legally sufficient, will be used for this purpose. Form FHA–32 or such other approved form will be prepared in an original for the County Office files and a sufficient number of copies to provide one for each party executing the agreement. State Directors will inform County Supervisors on a state basis if it is necessary because of state statutes to obtain landlord's subordination agreements, and otherwise will supplement this paragraph as necessary.

(1) When an adjustment loan is made to a tenant applicant, Form FHA–32 will be executed by the landlord without change. However, if the lease agreement is prepared on Form FHA–81, "Standard Farm Lease," revised 7–6–54, Form FHA–32 need not be executed inasmuch as the lease form contains a subordination clause.

(2) When an annual loan is made to a tenant applicant and the lease provides for a reasonable share of the crops for rent, Form FHA–32 will be executed by the landlord without change. However, when the lease agreement in such cases provides for cash or standing rent, the words "except his interest in crops grown in any year for the current year's rent or for the current year's real estate payment" will be stricken from paragraph c of Form FHA–32, and then executed by the landlord.

(3) When a loan is made to an applicant who is purchasing his farm under a purchase contract or the applicant has given a mortgage on the real estate, the terms of either of which provide that the holder will have a lien on crops produced on the farm, the holder of such contract or mortgage will execute Form FHA–32 as follows:

(i) When an adjustment loan is being made and the amount of the current year's installment on the real estate is reasonable when related to the normal rental changes for similar farms in the area, Form FHA–32 will be executed without change.

(ii) When an annual loan is being made, the words "except his interest in crops grown in any year for the current year's rent or for the current year's real estate payment" will be stricken from paragraph c of Form FHA–32, and then executed by the purchase contract or real estate mortgage holder.

(l) *Form FHA–80, "Assignment of Proceeds from the Sale of Agricultural Products."* Form FHA–80, or other form approved by the State Director, will be used to obtain an assignment of proceeds from the sale of farm, dairy, or other agricultural products. Form FHA–80, or other form, will be prepared in an original and two copies. All copies will be signed by the applicant and the purchaser in the spaces provided for their signatures. The original will be retained in the County Office; one copy will be given to the purchaser; and one will be given to the applicant.

(m) *Form FHA–933, "Nondisturbance Agreement."* Form FHA–933 will be used when it is necessary to obtain nondisturbance agreements from other creditors as provided in § 341.3 (a) (5) of this subchapter. This Form may also be used to obtain nondisturbance agreements from other creditors of an applicant who are in a position to interfere with the applicant's farming operations. Form FHA–933 will be prepared in an original and one copy; the original will be retained in the County Office case folder and the copy will be given to the creditor involved.

(Sec. 21 (a), (c), 65 Stat. 197, sec. 42 (c), 60 Stat. 1067, sec. 44, 60 Stat. 1068, 1069, sec. 48, 60 Stat. 1070, 65 Stat. 198, sec. 1, 63 Stat. 407, sec. 1311, Pub. Law 663, 83d Cong., 68 Stat. 830; 7 U. S. C. 1007, 1016, 1018, 1022, 31 U. S. C. 712a)

§ 342.4 *Review and approval or rejection.* The loan approval official will review the entire loan docket to assure compliance with established policies and all pertinent laws and regulations before the loan is approved.

(a) *Approval of loans.* If the loan is to be approved, the loan approval official will date and sign Form FHA–5 and will set forth any special conditions of approval or special security requirements.

(b) *Rejection of loans.* If a loan is rejected, the County Supervisor will notify the applicant of the rejection and

will return to him the original of Form FHA–31, tenure agreements, and any executed security instruments.

(Sec. 21, 65 Stat. 197, sec. 44, 60 Stat. 1068, 1069, sec. 48, 60 Stat. 1070, 65 Stat. 198; 7 U. S. C. 1007, 1018, 1022)

§ 342.5 *Loan closing*—(a) *Check delivery.* Only properly bonded employees of the Farmers Home Administration will receive and deliver loan checks. Upon receipt of a loan check, the County Supervisor will notify the applicant promptly indicating where and when he may expect delivery of the check, or will mail the check to him, or when a supervised bank account is required and the depository bank does not require the applicant's endorsement for deposit, he may deposit the loan check in the supervised bank account and furnish the applicant a copy of the deposit slip. If the bank will not accept the loan check for deposit in a supervised bank account without the applicant's endorsement, the County Supervisor will retain the check and arrange with the applicant for a time and place for its deposit.

(b) *Form FHA–87 "Report of Lien Search."* Form FHA–87 or other form providing substantially the same information will be prepared in an original only and will be filed in the applicant's case folder.

(1) Lien searches will be obtained at a time which will assure that the security instruments filed or recorded give the Government the required security Under this policy the lien search will be obtained not earlier than immediately before the security instruments are filed or recorded, but not later than immediately before the first withdrawal of any loan funds from the supervised bank account or delivery of the check to the borrower if it is not to be deposited in a supervised bank account.

(2) Except as provided in subparagraph (3) of this paragraph, applicants are required to obtain and pay the cost of lien searches. County Supervisors will make inquiries locally concerning the available sources through which satisfactory lien searches can be obtained at nominal cost to applicants. However, applicants will select the source through which lien searches are made. The cost of lien searches may be paid from the proceeds of loan checks when necessary.

(3) If in a given county the cost of lien searches is exorbitant, or if such service is not available, the State Director may authorize the employees of the County Office to perform this service without cost to applicants.

(4) State Directors will issue State Instructions setting forth the minimum requirements for lien searches, including the records to be searched and the period to be covered with respect to each.

(c) *Security documents.* Properly bonded County Office employees are authorized to execute and file or record any legal instruments necessary to obtain or preserve security for loans. This includes mortgages and similar lien instruments, as well as affidavits, acknowledgements, and other certifications when the mortgagee must execute such instruments, under State law.

(d) *Obtaining security for Production and Subsistence loans.* In cases in which capital goods are to be purchased and covered by a lien, the County Supervisor will encourage the applicant to arrange for the purchase of all such items by the time the initial mortgage is taken in order to eliminate the taking of additional mortgages. The taking of security in closing loans will be governed by the following requirements:

(1) If all of the loan funds are deposited in a supervised bank account, the initial mortgage to secure the loan will be taken not later than the date of the first withdrawal of any of the loan funds from such account.

(2) If only a part or none of the loan funds are deposited in a supervised bank account, the initial mortgage to secure the loan will be taken not later than the time of the delivery of the loan check to the applicant.

(3) If, at the time the initial mortgage is taken under the requirements of subparagraph (1) or (2) of this paragraph a part of the property which is to serve as security for the loan is yet to be purchased, a first lien will be taken on such property at the time it is purchased, unless such lien is acquired under "after acquired property" clauses in the mortgage, or was acquired in advance of the purchase on property to be purchased with loan funds.

(e) *Executing and recording of filing.* Crop and chattel mortgages must be delivered to the recording office for recordation or filing, whichever is appropriate, as soon as such instruments are executed and delivered to the Farmers Home Administration: *Provided, however* That in those cases in which lien instruments are taken before delivery of the loan checks, they will be delivered to the recording official for filing or recording at the time of the delivery of the loan checks.

(f) *Fees.* Statutory fees for filing or recording mortgages or other legal instruments and notary and lien search fees incident to loan transactions in all cases will be paid by the borrower from personal funds or from the proceeds of the loan. Whenever cash is accepted by FHA personnel to be used to pay the filing or recording fees for security instruments, or the cost of making lien searches, Form FHA–385, "Acknowledgment of Payment for Recording and Lien Search Fees," will be executed and given to the borrower. The amount so accepted will not be received by the Government as a credit on the borrower's indebtedness, but will be accepted only for the purpose of paying the recording, filing, or lien search fees on behalf of the borrower.

§ 342.6 *Revision in the use of loan funds.* (a) The concurrence of the official who approved the loan involved ordinarily will be obtained before changes are made in the purposes for which loan funds are to be used. Such concurrence will be substantiated in writing and approved by the approving official. However, minor changes involving only relatively nominal amounts may be approved by the County Supervisor with respect to loans approved by other officials, provided adequate loan funds will be available to carry out the purposes of the loan. In all instances, the use made of loan funds must be in accord with the purposes for which Production and Subsistence loans may be made, and the County Office records must show that the borrower and the County Supervisor agreed to the changes.

(Sec. 21 (a), 65 Stat. 197, sec. 44 (b) (c), 60 Stat. 1069; 7 U. S. C. 1007, 1018 (b))

(b) When changes are made in the use of loan funds, no revision will be made in the payment schedule on Form FHA–31. However, when funds loaned for the purchase of capital goods are to be used to meet operating expenses, the borrower must agree to pay the funds so used in accordance with the payment terms prescribed in § 341.4 of this subchapter. Appropriate changes with respect to the payments will be made in Table K of Form FHA–14 or Table H of Form FHA–197A and initialed by the borrower.

(Sec. 21 (a) 65 Stat. 197, sec. 44 (a) (b), 60 Stat. 1068, 1069, sec. 48, 60 Stat. 1070, 65 Stat. 198; 7 U. S. C. 1007, 1018, 1022)

2. In § 344.5 (a) (13 F R. 9424) reference to § 342.2 is changed to § 341.2.

3. In § 344.5 (b) (13 F R. 9424) reference to § 342.3 is changed to § 341.3.

4. In § 344.5 (e) (13 F R. 9424) reference to §§ 341.1 to 341.5 is changed to § 341.7.

5. In § 344.5 (f) (13 F R. 9424) reference to § 342.5 is changed to § 341.5.

6. In § 344.5 (g) (13 F R. 9424) reference to § 342.4 (b) and (c) is changed to § 341.4.

7. In § 345.1 (14 F R. 6673) reference to Parts 342 and 343 is changed to Parts 341 and 342.

8. In § 345.4 (a) (14 F R. 6673) reference to Parts 341 and 343 is changed to Parts 341 and 342.

9. In § 345.4 (b) (14 F R. 6673) reference to Part 342 is changed to Part 341.

10. In § 364.1 (c) (2) (18 F R. 3516) reference to § 342.6 (h) is changed to § 341.6 (g)

11. In § 371.16 (a) (13 F R. 9454) reference to § 343.7 (e) is changed to § 342.5 (f)

Issued this 12th day of January 1955.

[SEAL] H. C. SMITH,
Acting Administrator
Farmers Home Administration.

[F R. Doc. 55–397; Filed, Jan. 17, 1955; 8:46 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 115]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

Correction

In Federal Register Document 54–9253, published at page 7557 of the issue for Wednesday November 24, 1954, the

following change should be made in paragraph 4, Montgomery Ala.. In columns 11 and 12, under the heading "2 engines or less" the figure "300–¾" should read "300–¾*" in each column.

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter XIV—General Services Administration

[Revision 1, Amdt. 4]

REG. 2—TUNGSTEN REGULATION: DOMESTIC TUNGSTEN PROGRAM

MISCELLANEOUS AMENDMENTS

Pursuant to the authority vested in me by Executive Order 10480, dated August 14, 1953 (18 F R. 4939) this regulation, as revised and amended, is hereby further amended as follows:

1. In section 2, delete in its entirety paragraph (j) and in lieu thereof substitute the following:

(j) "Synthetic Scheelite" means chemically precipitated scheelite produced from any natural type of ore, and shall be chemically precipitated scheelite produced from any original type of ore and shall contain not in excess of 0.50 per cent free moisture by weight.

2. Immediately following section 6, add the following new sections:

SEC. 7. *Packaging.* All tungsten concentrates except Synthetic Scheelite shall be packaged in: (a) Steel drums of 20 gauge minimum thickness for 15 gallon or less capacity and 18 gauge or heavier steel drums for larger capacity or, (b) bags of 110 pound capacity made from heavy burlap cloth which has been made water-proof and sift proof by a craped bag liner inserted by laminating with a water-proof adhesive such as asphaltum. Synthetic Scheelite shall be packaged in steel drums of 18 gauge minimum thickness.

SEC. 8. *Access to books and records.* Each seller participating in this Program must agree to permit authorized representatives of the United States Government, during the duration of the Program, and for a period of three (3) years thereafter, to have access to and the right to examine any pertinent books, documents, papers and records of the seller involving transactions related to the Program.

(Sec. 704, 64 Stat. 816, as amended, Pub. Laws 95, 203, 83d Cong., 50 U. S. C. App. 2154)

All other provisions of this regulation shall remain in full force and effect.

This amendment is effective immediately.

Dated: January 13, 1955.

EDMUND F MANSURE,
Administrator

[F R. Doc. 55–453; Filed, Jan. 14, 1955; 5:14 p. m.]

[Amdt. 4]

REG. 8—BERYL REGULATION: PURCHASE PROGRAM FOR DOMESTICALLY PRODUCED BERYL ORE

ACCESS TO BOOKS AND RECORDS

Pursuant to the authority vested in me by Executive Order 10480, dated August 14, 1953 (18 F R. 4939) this regulation, as amended, is further amended as follows:

Immediately following section 6, add the following new section.

SEC. 7. *Access to books and records.* Each seller participating in this Program must agree to permit authorized representatives of the United States Government, during the duration of the Program, and for a period of three (3) years thereafter, to have access to and the right to examine any pertinent books, documents, papers and records of the seller involving transactions related to the Program.

(Sec. 704, 64 Stat. 816, as amended, Pub. Laws 95, 203, 83d Cong., 50 U. S. C. App. 2154)

All other provisions of this regulation shall remain in full force and effect.

This amendment is effective immediately.

Dated: January 12, 1955.

EDMUND F MANSURE,
Administrator

[F R. Doc. 55–450; Filed, Jan. 14, 1955; 5.14 p. m.]

[Amdt. 4]

REG. 9—ASBESTOS REGULATION: PURCHASE PROGRAM FOR NONFERROUS CHRYSOTILE ASBESTOS PRODUCED IN ARIZONA

ACCESS TO BOOKS AND RECORDS

Pursuant to the authority vested in me by Executive Order 10480, dated August 14, 1953 (18 F R. 4939) this regulation, as amended, is further amended as follows:

Immediately following section 6, add the following new section.

SEC. 7. *Access to books and records.* Each seller participating in this Program must agree to permit authorized representatives of the United States Government, during the duration of the Program, and for a period of three (3) years thereafter, to have access to and the right to examine any pertinent books, documents, papers and records of the seller involving transactions related to the Program.

(Sec. 704, 64 Stat. 816, as amended, Pub. Laws 95, 203, 83d Cong., 50 U. S. C. App. 2154)

All other provisions of this regulation shall remain in full force and effect.

This amendment is effective immediately

Dated: January 12, 1955.

EDMUND F MANSURE,
Administrator

[F R. Doc. 55–449; Filed, Jan. 14, 1955; 5:14 p. m.]

[Revision 1, Amdt. 5]

REG. 10—COLUMBIUM-TANTALUM PURCHASE PROGRAM

ACCESS TO BOOKS AND RECORDS

Pursuant to the authority vested in me by Executive Order 10480, dated August 14, 1953 (18 F R. 4939) this regulation, as revised and amended, is further amended as follows:

Immediately following section 11, add the following new section:

SEC. 12. *Access to books and records.* Each seller participating in this Program must agree to permit authorized representatives of the United States Government, during the duration of the Program, and for a period of three (3) years thereafter, to have access to and the right to examine any pertinent books, documents, papers and records of the seller involving transactions related to the Program.

(Sec. 704, 64 Stat. 816, as amended, Pub. Laws 95, 203, 83d Cong., 50 U. S. C. App. 2154)

All other provisions of this regulation shall remain in full force and effect.

This amendment is effective immediately.

Dated: January 12, 1955.

EDMUND F MANSURE,
Administrator

[F R. Doc. 55–451; Filed, Jan. 14, 1955; 5:14 p. m.]

[Amdt. 1]

REG. 11—MERCURY REGULATION: PURCHASE PROGRAM FOR MERCURY MINED IN THE CONTINENTAL UNITED STATES (INCLUDING TERRITORY OF ALASKA)

ACCESS TO BOOKS AND RECORDS

Pursuant to the authority vested in me by Executive Order 10480, dated August 14, 1953 (18 F R. 4939) this regulation is amended as follows:

Immediately following section 6, add the following new section.

SEC. 7. *Access to books and records.* Each seller participating in this Program must agree to permit authorized representatives of the United States Government, during the duration of the Program, and for a period of three (3) years thereafter, to have access to and the right to examine any pertinent books, documents, papers and records of the seller involving transactions related to the Program.

(Sec. 704, 64 Stat. 816, as amended, Pub. Laws 95, 203, 83d Cong., 50 U. S. C. App. 2154)

All other provisions of this regulation shall remain in full force and effect.

This amendment is effective immediately.

Dated: January 12, 1955.

EDMUND F MANSURE,
Administrator

[F R. Doc. 55–452; Filed, Jan. 14, 1955; 5:14 p. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

COWLITZ RIVER, WASHINGTON

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499) § 203.765 (b) is hereby amended to include special regulations to govern the operation of the highway bridge across Cowlitz River at Allen Street, Kelso, Washington, adding subparagraph (2) as follows:

§ 203.765 *Cowlitz and Lewis Rivers, Wash., bridges.* * * *

(b) *Special regulations.* * * *

(2) Cowlitz River highway bridge at Allen Street, Kelso, Wash.

(i) The owner of or agency controlling the drawbridge will not be required to keep a draw tender in constant attendance.

(ii) Whenever a vessel unable to pass under the closed bridge desires to pass through the draw, at least 2 hours' advance notice of the time the opening is required shall be given to the authorized representative of the owner of or agency controlling the bridge. In the event a vessel is delayed by weather conditions or otherwise, the operator will remain a reasonable time, not to exceed two hours, and open the bridge on signal for the passage of the vessel. If a vessel is expected to be delayed more than two hours the operator will be so advised, and notified of the later time the opening will be required.

(iii) Upon receipt of advance notice the authorized representative of the owner of or agency controlling the bridge, in compliance therewith, shall arrange for the prompt opening of the draw at the time specified in the notice for the passage of the vessel. If a vessel passing through the bridge intends to return through within two hours the bridge tender will be advised of the fact and he will remain at and open the bridge upon signal for the vessel's return passage.

(iv) The owner of or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides of the bridge, in a manner that it can be easily read at any time, a copy of these regulations, together with a notice stating exactly how the authorized representative may be reached by telephone or otherwise.

(v) The operating machinery of the draw shall be maintained in a serviceable condition and the draw opened and closed at intervals frequent enough to make certain that the machinery is in proper order for satisfactory operation.

* * * * *

[Regs., 6 Jan. 1954, 823.01 (Cowlitz River, Wash.)—ENGWO] (28 Stat. 362; 33 U. S. C. 499)

[SEAL] JOHN A. KLEIN,
Major General, U S. Army,
The Adjutant General.

[F R. Doc. 55-390; Filed, Jan. 17, 1955; 8:45 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

Subchapter Q—Specifications

[CGFR 54-46]

PART 160—LIFESAVING EQUIPMENT

MATERIALS

The purpose of the amendments in this document is to correct and to clarify certain requirements regarding vinyl plastic film used in manufacturing buoyant vests and buoyant cushions described in Coast Guard Document CGFR 54-46, Federal Register Document 54-10014, which was published in the FEDERAL REGISTER dated December 18, 1954, 19 F R. 8691 et seq. The amendments in this document to 46 CFR 160.047-3 (e) and 160.048-3 (d) corrects and changes the type designation of plastic film required from "Type II, Class 1, film" to "Type I, Class 1, film." The Type I plastic film meets the sealed seam strength requirements previously prescribed for pad covers.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F R. 6521) to promulgate regulations in accordance with R. S. 4405, as amended, 4462, as amended, and sections 6 and 17, 54 Stat. 164, 166, as amended; 46 U. S. C. 375, 416, 526e, 526p; the following corrections and amendments are prescribed:

1. Section 160.047-3 (e) regarding materials, pad covering, for buoyant vests, is amended by changing the phrase "Type II, Class 1, film" to "Type I, Class 1, film."

2. Section 160.048-3 (d) regarding materials, pad covering, for buoyant cushions, is amended by changing the phrase "Type II, Class 1, film" to "Type I, Class 1, film."

(R. S. 4405, as amended, 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply Secs. 6, 17, 54 Stat. 164, 166, as amended; 46 U. S. C. 516e, 526p)

Dated: January 11, 1955.

[SEAL] A. C. RICHMOND,
Vice Admiral, U S. Coast Guard,
Commandant.

[F R. Doc. 55-410; Filed, Jan. 17, 1955; 8:48 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix C—Public Land Orders

[Public Land Order 1052]

ALASKA

RESERVING LANDS WITHIN CHUGACH NATIONAL FOREST FOR USE OF FOREST SERVICE AS RECREATION AREAS

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36, 16 U. S. C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public land within the Chugach National Forest in Alaska is hereby withdrawn from all forms of appropriation under the public-land laws, including the mining but not the mineral-leasing laws, and reserved for use of the Forest Service, Department of Agriculture, as recreation areas:

CHUGACH NATIONAL FOREST

COOPER CREEK PUBLIC SERVICE SITE, TRACT C

Beginning at Corner 1 on left bank of Kenai River 5 chains northeast of the right bank of Cooper Creek, approximate latitude 60°29' N., longitude 149°53' W., thence southerly, parallel to and 5 chains distant from right bank of Cooper Creek, approximately 18.25 chains to Corner 2; thence due south 17.50 chains to Corner 3 located 5 chains distance from the right bank of Cooper Creek; thence southeasterly parallel to and 5 chains distance from the right bank of Cooper Creek approximately 11.25 chains to Corner 4 from which Corner 1 bears N. 5°7' W., 45.10 chains; thence east 3 chains to Corner 5; thence south 7.50 chains to Corner 6; thence west 12.50 chains to Corner 7; thence north 7.50 chains to Corner 8; thence east approximately 3.50 chains to Corner 9 located on the right bank of Cooper Creek; thence northward along the right bank of Cooper Creek to Kenai River; thence northeasterly along the left bank of Kenai River to the place of the beginning, containing approximately 40.35 acres.

TAYLOR CREEK WINTER SPORT AREA

Beginning at Bureau of Public Roads Station #60 of Section D, Seward-Anchorage Highway, thence due east 80 chains; thence due south approximately 56 chains to Taylor Creek; thence westerly along the course of Taylor Creek to the Seward-Anchorage Highway; thence northerly along the Seward-Anchorage Highway to the place of the beginning, and excluding the area described in Public Land Order 725 which is included within this tract, containing approximately 227.2 acres net area.

This order shall take precedence over but shall not otherwise affect the existing reservation of the lands for national forest purposes.

ORME LEWIS,
Assistant Secretary of the Interior

JANUARY 12, 1955.

[F R. Doc. 55-392; Filed, Jan. 17, 1955; 8:45 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[S. O. 900, Amdt. 1]

PART 95—CAR SERVICE

CHICAGO & EASTERN ILLINOIS RAILROAD CO.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 12th day of January A. D. 1955.

Upon further consideration of Service Order No. 900 (19 F R. 6791) and good cause appearing therefor: It is ordered, that:

Section 95.900 *Chicago & Eastern Illinois Railroad Co.*, be, and it is hereby amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This section shall expire at 11:59 p. m., June 15, 1955,

unless otherwise modified, changed, suspended, or annulled by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p. m., January 15, 1955.

It is further ordered that a copy of this amendment and direction shall be served upon the Illinois railroad regulatory body and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] GEORGE W LAIRD, *Secretary.*

[F R. Doc. 55-417; Filed, Jan. 17, 1955; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 968]

[Docket No. AO 173-A7]

HANDLING OF MILK IN WICHITA, KANSAS, MARKETING AREA

PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) notice is hereby given of a public hearing to be held at the Allis Hotel, Wichita, Kansas, beginning at 10:00 a. m., c. s. t., January 27, 1955, for the purpose of receiving evidence with respect to emergency and other economic conditions which relate to the handling of milk in the Wichita, Kansas, marketing area and to the proposed amendments hereinafter set forth, or appropriate modification thereof, to the tentative marketing aggreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Wichita, Kansas, marketing area. These proposed amendments have not received the approval of the Secretary of Agriculture.

The following amendments to the order have been proposed.

By the Wichita Milk Producers Association.

1. Delete § 968.8 (c) (2) and substitute the following:

"(2) Milk of any producer which a cooperative association, which does not operate a plant, causes to be delivered to an approved plant or to an unapproved plant for the account of such cooperative association shall be deemed to have been received by such cooperative association at a pool plant.

2. Delete § 968.9 (b) and substitute the following:

(b) Any cooperative association with respect to the milk of any producer which such cooperative association causes to be delivered to an approved plant or to an unapproved plant for the account of such cooperative association.

3. Delete § 968.51 (b) and substitute the following:

(b) *Class II milk.* The price per hundredweight shall be the average price reported by the U. S. Department of Agriculture for the current month for milk for manufacturing purposes, f. o. b. plant, United States, adjusted to a 3.8 percent butterfat basis by direct ratio.

By Beatrice Foods Company, DeCoursey Creamery Company Hyde Park Dairies, Inc., and Steffens Dairy Foods Company.

4. Amend § 968.8 (a) and (b) by inserting the parenthetical phrase "(including Class I receipts from other handlers but excluding Class I transfers to other handlers)" immediately following the words "receipts of milk from approved dairy farmers" appearing in each such paragraph.

5. Amend § 968.80 (a) by deleting the following words "on or before the 12th day after the end of the month" from the present language of the order and substituting therefor the following "on or before the 13th day after the end of the month"

6. Amend § 968.80 (b) by deleting the language in the present order and substituting therefor the following:

(b) On or before the 27th day of each month, to each producer who is still delivering Grade A milk to such handler and for whom payment is not made pursuant to paragraph (c) of this section, for milk received from him during the first 15 days of such month, at 105 percent of the Class II price for the previous month rounded to the nearest full cent.

7. Amend § 968.05 (a) by deleting "5 days" and substituting therefore the words "at the next regular due date for payments to the market administrator"

8. Amend § 968.86 (b) by inserting in the last sentence the words "If requested" immediately preceding the words "such payment shall be accompanied by"

By the Dairy Division, Agricultural Marketing Service:

9. Make such other changes as may be required to make the entire order conform with any amendment thereto which may result from this hearing.

Copies of this notice of hearing and of the order now in effect may be procured from the market administrator, 310 Derby Building, 352 North Broadway, Wichita 2, Kansas, or from the Hearing Clerk, Room 1371, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: January 13, 1955.

ROY W LENNARTSON, *Deputy Administrator*

[F R. Doc. 55-395; Filed, Jan. 17, 1955; 8:46 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

United States Coast Guard

[CGFR 54-61]

APPROVAL OF EQUIPMENT AND CHANGE IN ADDRESS OF MANUFACTURER

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F R. 6521) and in compliance with the authorities cited with each item of equipment: *It is ordered,* That:

(a) All the approvals listed in this document which extend these approvals previously published in the FEDERAL REGISTER are prescribed and shall be in effect for a period of five years from their respective dates as indicated at the end of each approval, unless sooner canceled or suspended by proper authority; and

(b) All the other approvals listed in this document (which are not covered by paragraph (a) above) are prescribed and shall be in effect for a period of five years from the date of publication of this document in the FEDERAL REGISTER unless sooner canceled or suspended by proper authority; and

(c) The address of a manufacturer of approved equipment shall be changed as indicated below:

CLEANING PROCESS FOR LIFE PRESERVERS

NOTE: Where buoyancy fillers are not removed from envelope covers during cleaning process.

Approval No. 160.006/19/0 Garden City Cleaning Process for kapok life preservers as outlined in Garden City Renovating Co. letter dated October 12, 1949, submitted by Hays Mattress Co. (successor to Garden City Renovating Co.) P O. Box 555, Morgan Hill, Calif. (Extension of the approval published in FEDERAL REGISTER November 19, 1949, effective November 19, 1954.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, 4426, 4481, 4482, 4488, 4491, 4492, as amended, sec. 11, 35 Stat. 428, secs. 1, 2, 49 Stat. 1544, secs. 6, 17, 54 Stat. 164, 166, and sec. 3, 54 Stat. 346, as amended; P L. 569, 83d Cong., 46 U. S. C. 391a, 404, 474, 475, 481, 489, 490, 396, 367, 526e, 526p, 1333, E. O. 10402, 17 F R. 9917, 3 CFR, 1952 Supp., 46 CFR 160.006)

BUOYANT CUSHIONS, KAPOK, STANDARD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.007/154/0, standard kapok buoyant cushion, U. S. C. G. Specification Subpart 160.007, manufactured by The Howard Zink Corporation, 1 Brighton Avenue, Passaic, N. J.

Approval No. 160.007/156/0, standard kapok buoyant cushion, U. S. C. G. Specification Subpart 160.007, manufactured by the Crotty Corporation, Quincy, Mich.

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply secs. 6 and 17, 54 Stat. 164, 166, as amended; 46 U. S. C. 526e, 526p; 46 CFR 160.007)

BUOYANT CUSHIONS, NON-STANDARD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.008/622/0, 15" x 18" x 2" rectangular buoyant cushion, 24 oz. kapok, dwg. dated July 26, 1954, manufactured by The Howard Zink Corporation, 1 Brighton Avenue, Passaic, N. J.

Approval No. 160.008/625/0, 15" x 15" x 2" rectangular buoyant cushion, 20 oz. kapok, specifications dated November 23, 1954, manufactured by Winfield Company, Inc., 1301 Third Street South, St. Petersburg 5, Fla.

Approval No. 160.008/627/0, 14½" x 16" x 2" rectangular buoyant cushion, 20½ oz. kapok, dwg. No. 2, dated October 21, 1954, manufactured by Red Head Brand Company, 4311 Belmont Avenue, Chicago 41, Ill.

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply secs. 6 and 17, 54 Stat. 164, 166, as amended; 46 U. S. C. 526e, 526p; 46 CFR 160.008)

LADDERS, EMBARKATION-DEBARKATION (FLEXIBLE)

Approval No. 160.017/15/0, Type 10 PL–A, embarkation-debarkation ladder, chain suspension, aluminum ears, dwg. dated February 18, 1953, rev. 2, dated September 23, 1954, manufactured by H. K. Metal Craft Manufacturing Co., 3775–3789 Tenth Avenue at 203d St., New York 34, N. Y.

Approval No. 160.017/16/0, Type 10 PL–S, embarkation-debarkation ladder, chain suspension, steel ears, dwg. dated February 18, 1953, rev 2, dated September 23, 1954, manufactured by H. K. Metal Craft Manufacturing Co., 3775–3789 Tenth Avenue at 203d St., New York 34, N. Y.

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4488, as amended, 4491, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, and sec. 3, 54 Stat. 346, as amended; P L. 569, 83d Cong., 46 U. S. C. 391a, 404, 481, 489, 367, 1333; E. O. 10402, 17 F R. 9917, 3 CFR, 1952 Supp., 46 CFR 160.017)

SIGNALS, DISTRESS, HAND RED FLARE

Approval No. 160.021/5/1, Coston's hand red flare distress signal, 500 candlepower, 2-minute burning time, Kilgore, Inc. general arrangement dwg. No. CXC–115, Rev. 4 dated October 14, 1954, detail dwg. No. CXC–116, Rev. 4, dated May 13, 1953, manufactured by Kilgore, Inc., International Flare Signal Division, Westerville, Ohio, for Coston Supply Co., Inc., 31 Water Street, New York 4, N. Y. (Supersedes Approval No. 160.021/5/0 published in the FEDERAL REGISTER February 8, 1950.)

Approval No. 160.021/6/1, International's hand red flare distress signal, 500 candlepower, 2-minute burning time, general arrangement dwg. No. CXC–115, Rev. 4 dated October 14, 1954, detail dwg. No. CXC–116, Rev. 4 dated May 13, 1953, manufactured by Kilgore, Inc., International Flare Signal Division, Westerville, Ohio. (Supersedes Approval No. 160.021/6/0 published in the FEDERAL REGISTER January 19, 1951.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4488, as amended, 4491, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, and sec. 3, 54 Stat. 346, as amended; P L. 569, 83d Cong., 46 U. S. C. 391a, 404, 481, 489, 367, 1333; E. O. 10402, 17 F R. 9917, 3 CFR, 1952 Supp., 46 CFR 160.021)

CONTAINERS, EMERGENCY PROVISIONS AND WATER

Approval No. 160.026/25/0, container for emergency provisions, dwg. dated April 2, 1954, manufactured by MacDonald-Bernier Co., 30 Huntington Avenue, Boston, Mass.

Approval No. 160.026/26/0, container for emergency provisions (half-ration) dwg. dated April 2, 1954, manufactured by MacDonald-Bernier Co., 30 Huntington Avenue, Boston, Mass.

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4488, as amended, 4491, as amended, sec. 11, 35 Stat. 428, as amended, secs. 1 and 2, 49 Stat. 244, 245, as amended; and sec. 3, 54 Stat. 346, as amended; P L. 569, 83d Cong., 46 U. S. C. 391a, 404, 481, 489, 396, 367, 1333; E. O. 10402, 17 F R. 9917, 3 CFR, 1952 Supp., 46 CFR 160.026)

DAVITS, LIFEBOAT

Approval No. 160.032/102/1, mechanical davit, crescent sheath screw, Type C–68 (formerly Type C–65) approved for maximum working load of 13,600 pounds per set (6,800 pounds per arm) using 2 part falls, identified by arrangement dwg. No. 2082–10, Rev. 5 dated October 18, 1954, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Reinstates and supersedes Approval No. 160.032/102/0 terminated in FEDERAL REGISTER August 7, 1953.)

Approval No. 160.032/146/0, mechanical davit, straight boom sheath screw Type 20–20F approved for maximum working load of 5,800 pounds per set (2,900 pounds per arm) using either 2 or 6 part falls, identified by general arrangement dwg. No. 5014–1D dated October 6, 1953 and revised October 14, 1954, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J.

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4481, as amended, 4488, as amended, 4491, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, and sec. 3, 54 Stat. 346, as amended; P L. 569, 83d Cong., 46 U. S. C. 391a, 404, 474, 481, 489, 367, 1333; E. O. 10402, 17 F R. 9917, 3 CFR, 1952 Cum. Supp., 46 CFR 160.032)

LIFEBOATS

Approval No. 160.035/37/1, 22.0' x 7.5' x 3.17' steel, motor-propelled lifeboat without radio cabin (Class B) 28-person capacity identified by construction and arrangement dwg. No. 2389 dated July 12, 1954, and revised November 1, 1954, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy N. J. (Reinstates and supersedes Approval No. 160.035/37/0 terminated in FEDERAL REGISTER October 1, 1952.)

Approval No. 160.035/185/1, 26.0' x 8.3' x 3.6' steel, oar-propelled lifeboat, 46–person capacity identified by construction and arrangement dwg. No. 3188 dated December 21, 1953, and revised October 8, 1954, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Ambody N. J. (Reinstates and supersedes Approval No. 160.035/185/0 terminated in FEDERAL REGISTER May 19, 1953.)

Approval No. 160.035/312/0, 22.0' x 7.5' x 3.17' aluminum, oar-propelled lifeboat, 31-person capacity, identified by construction and arrangement dwg. No. 3482 dated June 16, 1953, and revised October 8, 1954, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy N. J.

Approval No. 160.035/330/0, 24.0' x 7.63' x 3.21' steel, motor-propelled lifeboat without radio cabin (Class B) 33-person capacity identified by construction and arrangement dwg. No. 24-4G dated September 24, 1954, and revised November 15, 1954, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J.

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4481, as amended, 4488, as amended, 4491, as amended, 4492, as amended, sec. 11, 35 Stat. 428, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, and sec. 3, 54 Stat. 346, as amended; P L. 569, 83d Cong., 46 U. S. C. 391a, 404, 474, 481, 489, 490, 396, 367, 1333; E. O. 10402, 17 F R. 9917, 3 CFR, 1952 Supp., 46 CFR 160.035)

SIGNALS, DISTRESS, HAND ORANGE SMOKE

Approval No. 160.037/1/1, Coston's hand orange smoke distress signal, Kilgore, Inc. general arrangement dwg. No. CXC–117, Rev. 3 dated August 19, 1954, detail dwg. No. CXC–118, Rev. 3 dated September 10, 1951, manufactured by Kilgore, Inc., International Flare Signal Division, Westerville, Ohio, for Coston Supply Co., Inc., 31 Water Street, New York 4, N. Y. (Reinstates and supersedes Approval No. 160.037/1/0 terminated in FEDERAL REGISTER June 25, 1954.)

Approval No. 160.037/2/1, International's hand orange smoke distress signal, general arrangement dwg No. CXC–117, Rev. 3 dated August 19, 1954, detail dwg. No. CXC–118, Rev. 3 dated September 10, 1951, manufactured by Kilgore, Inc., International Flare Signal Division, Westerville, Ohio. (Reinstates and supersedes Approval No. 160.037/2/0 terminated in FEDERAL REGISTER June 25, 1954.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4488, as amended, 4491, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, and sec. 3, 54 Stat. 346, as amended; P L. 569, 83d Cong., 46 U. S. C. 391a, 404, 481, 489, 367, 1333; E. O. 10402, 17 F R. 9917, 3 CFR, 1952 Supp., 46 CFR 160.037)

BUOYANT VESTS, KAPOK OF FIBROUS GLASS, ADULT AND CHILD (MODELS AK, CKM, CKS, AF, CFM, AND CFS)

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.047/1/0, Model AK, adult kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 1, N. Y.

Approval No. 160.047/2/0, Model CKM, child kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 1, N. Y.

Approval No. 160.047/3/0, Model CKS, child kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 1, N. Y.

Approval No. 160.047/4/0, Model AF adult fibrous glass buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 1, N. Y.

Approval No. 160.047/5/0, Model CFM, child fibrous glass buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 1, N. Y.

Approval No. 160.047/6/0, Model CFS, child fibrous glass buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 1, N. Y.

Approval No. 160.047/7/0, Model AK, adult kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by The American Pad & Textile Co., Greenfield, Ohio, New Orleans, La., and Fairfield, Calif.

Approval No. 160.047/8/0, Model CKM, child kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by The American Pad & Textile Co., Greenfield, Ohio, New Orleans, La., and Fairfield, Calif.

Approval No. 160.047/9/0, Model CKS, child kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by The American Pad & Textile Co., Greenfield, Ohio, New Orleans, La., and Fairfield, Calif.

Approval No. 160.047/10/0, Model AK, adult kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by Red Head Brand Co., 4311 Belmont Avenue, Chicago 41, Ill.

Approval No. 160.047/11/0, Model CKM, child kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by Red Head Brand Co., 4311 Belmont Avenue, Chicago 41, Ill.

Approval No. 160.047/12/0, Model CKS, child kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by Red Head Brand Co., 4311 Belmont Avenue, Chicago 41, Ill.

Approval No. 160.047/13/0, Model AK, adult kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by The American Pad & Textile Co., Greenfield, Ohio, for Montgomery Ward & Co., Inc., 619 West Chicago Avenue, Chicago 7, Ill.

Approval No. 160.047/17/0, Model AK, adult kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by The American Pad & Textile Co., Greenfield, Ohio, for Sears Roebuck & Co., 925 South Homan Avenue, Chicago 7, Ill.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply secs. 6, 17, 54 Stat. 164, 166, as amended; 46 U. S. C. 526e, 526p)

TELEPHONE SYSTEMS, SOUND POWERED

Approval No. 161.005/40/1, Telephone station relay non-locking type, splashproof, dwg. No. 18, Alt. 2, dated November 1954, manufactured by Hose-McCann Telephone Co., Twenty-fifth Street and Third Avenue, Brooklyn 32, N. Y. (Supersedes Approval No. 161.005/40/0 published in the FEDERAL REGISTER January 19, 1951.)

(R. S. 4405, 4417a, 4418, 4426, 4491, 49 Stat. 1544, and 54 Stat. 346, as amended; P L. 569, 83d Cong., 46 U. S. C. 367, 375, 391a, 392, 404, 489, 1333; 46 CFR 113.30-25 (a))

FLASHLIGHTS, ELECTRIC, HAND

Approval No. 161.008/7/1, No. 1917 watertight and explosion-proof flashlight, Types I and II, Size No. 2 (2-cell) identified by assembly dwg. No. F-894-3C, dated September 24, 1948, and revised October 5, 1948, manufactured by Bright Star Industries, 600 Getty Avenue, Clifton, N. J. (formerly Bright Star Battery Co.) (Supersedes Approval No. 161.008/7/0 published in the FEDERAL REGISTER March 25, 1954.)

Approval No. 161.008/8/1, No. 1924 watertight and explosion-proof flashlight, Types I and II, Size No. 3 (3-cell) identified by assembly dwg. No. F-894-3C, (3-cell) identified by assembly dwg. No. F-894-3C, dated September 24, 1948, and revised October 5, 1948, manufactured by Bright Star Industries, 600 Getty Avenue, Clifton, N. J. (formerly Bright Star Battery Co.) (Supersedes Approval No. 161.008/8/0 published in the FEDERAL REGISTER March 25, 1954.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4488, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, as amended, and sec. 3, 54 Stat. 346, as amended; P L. 569, 83d Cong., 46 U. S. C. 391a, 404, 481, 489, 367, 1333, E. O. 10402, 17 F R. 9917, 3 CFR, 1952 Supp., 46 CFR 161.008)

BOILER, HEATING

Approval No. 162.003/159/0, Model 4L steel plate steam heating boiler, assembly dwg. No. 722203763, dated October 11, 1954, sub-assembly dwg. No. 799002008, revision A dated October 28, 1954, maximum design pressure 30 p. s. i., approval limited to bare boiler, manufactured by Orr & Sembower, Inc., Reading, Pa.

(R. S. 4405, 4417a, 4418, 4426, 4433, 4434, 4491, as amended, secs. 1 and 2, 49 Stat. 1544, and sec. 3, 54 Stat. 346, as amended, P L. 569, 83d Cong., 46 U. S. C. 367, 375, 391a, 392, 404, 411, 412, 489, 1333; 46 CFR Part 52)

SODA-ACID TYPE HAND PORTABLE FIRE EXTINGUISHER

Approval No. 162.007/43/1, Fyr-Fyter Soda-Acid type, Model No. 17-12, 2½-gallon hand portable fire extinguisher, assembly dwg. No. 17-12, revised November 7, 1954, name plate dwg. No. 4706, Rev. A dated September 20, 1954 (Coast Guard Classification. Type A, Size II) manufactured by The Fyr-Fyter Co., Dayton 1, Ohio. (Supersedes Approval No. 162.007/43/0 published in FEDERAL REGISTER October 6, 1953)

Approval No. 162.007/44/1, Buffalo Better-Built Soda-Acid type, Model No. 17-13, 2½-gallon hand portable fire extinguisher, assembly dwg. No. 17-13, revised November 7, 1954, name plate dwg. No. 4707, Rev A dated September 20, 1954 (Coast Guard Classification: Type A, Size II) manufactured by Buffalo Fire Appliance Corp., Dayton 1, Ohio. (Supersedes Approval No. 162.007/44/0 published in FEDERAL REGISTER October 6, 1953.)

(R. S. 4405, 4417a, 4426, 4479, 4491, 4492, 49 Stat. 1544, 54 Stat. 165, 166, 346, 1028, as amended; P L. 569, 83d Cong., 46 U. S. C. 367, 375, 391a, 404, 463a, 472, 489, 490, 526g, 526p, 1333; 46 CFR 25.30, 34.25-1, 76.50, 95.50)

VALVES, SAFETY RELIEF, LIQUEFIED COMPRESSED GAS

Approval No. 162.018/32/0, Style JO-25, safety relief valve for liquefied petroleum gas and anhydrous ammonia service, full nozzle type metal-to-metal seat, 150 p. s. i. primary service pressure rating, dwg. No. HV-60, dated September 3, 1954, approved for the following orifice sizes and air capacity ratings (discharge in cubic feet per minute of free air measured at 60 degrees F and 14.7 p. s. i. a. and flow-rated at 110 percent of the set pressure)

Orifice size	Inlet orifice outlet	Set pressure (p. s. i. g.)				
		100	150	200	250	300
D	1D2	243	351	458	566	673
E	1E2	434	626	817	1,016	1,199
F	1½F2	680	980	1,280	1,580	1,879
G	1½G2½	1,114	1,605	2,097	2,588	3,078
H	1½H3	1,740	2,508	3,276	4,043	4,808
J	2J3	2,851	4,110	5,367	6,625	7,878
K	3K4	4,073	5,872	7,668	9,465	11,256
L	3L4	6,320	9,112	11,898	14,687	17,465
N	4N6	9,616	13,863	18,103	22,345	26,572
P	4P6	14,134	20,379	26,610	32,845	39,059
Q	6Q8	24,472	35,283	46,071	56,867	68,150

Manufactured by Crosby Steam Gage & Valve Co., Wrentham, Mass.

Approval No. 162.018/33/0, Style JO-35 safety relief valve for liquefied petroleum gas and anhydrous ammonia service, full nozzle type metal-to-metal seat, 300 p. s. i. primary service pressure rating, dwg. No. HV-61, dated September 3, 1954, approved for the following orifice sizes and air capacity ratings (discharge in cubic feet per minute of free air meas-

ured at 60 degrees F and 14.7 p. s. i. a. and flow-rated at 110 percent of the set pressure)

Orifice size	Inlet orifice outlet	Set pressure (p. s. i. g.)				
		100	150	200	250	300
D	1D2	243	351	458	566	673
E	1E2	434	626	817	1,016	1,199
F	1½F2	680	980	1,280	1,580	1,879
G	1½G2½	1,114	1,605	2,097	2,588	3,078
H	1½H3	1,740	2,508	3,276	4,043	4,808
J	2J3	2,851	4,110	5,367	6,625	7,878
K	3K4	4,073	5,872	7,668	9,465	11,256
L	3L4	6,320	9,112	11,898	14,687	17,465
N	4N6	9,616	13,863	18,103	22,345	26,572
P	4P6	14,134	20,379	26,610	32,845	39,059
Q	6Q8	24,472	35,283	46,071	56,867	68,150

Manufactured by Crosby Steam Gage & Valve Co., Wrentham, Mass.

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, and 4491, as amended; P L. 569, 83d Cong., 46 U. S. C. 391a, 489; E. O. 10402, 17 F R. 9917, 3 CFR, 1952 Supp., 46 CFR 162.018)

APPLIANCES, LIQUEFIED PETROLEUM GAS CONSUMING

Approval No. 162.020/83/0, South Bend Model No. 4000 range for liquefied petroleum gas service, approved by the American Gas Association, Inc., under Certificate No. 11–(44–4.1 & –6.1).001, manufactured by The Malleable Steel Range Mfg. Corp., South Bend 21, Ind.

Approval No. 162.020/84/0, South Bend Model No. 4002 range for liquefied petroleum gas service, approved by the American Gas Association, Inc., under Certificate No. 11–(44–4.1 & –6.1).001, manufactured by The Malleable Steel Range Mfg. Corp., South Bend 21, Ind.

Approval No. 162.020/85/0, South Bend Model No. 4003 range for liquefied petroleum gas service, approved by the American Gas Association, Inc., under Certificate No. 11–(44–4.1 & –6.1).001, manufactured by The Malleable Steel Range Mfg. Corp., South Bend 21, Ind.

Approval No. 162.020/86/0, South Bend Model No. 4004 range for liquefied petroleum gas service, approved by the American Gas Association, Inc., under Certificate No. 11–(44–4.1 & –6.1).001, manufactured by The Malleable Steel Range Mfg. Corp., South Bend 21, Ind.

Approval No. 162.020/87/0, South Bend Model No. 4020 range for liquefied petroleum gas service, approved by the American Gas Association, Inc., under Certificate No. 11–(44–4.1 & –6.1).001, manufactured by The Malleable Steel Range Mfg. Corp., South Bend 21, Ind.

Approval No. 162.020/88/0, South Bend Model No. 4022 range for liquefied petroleum gas service, approved by the American Gas Association, Inc., under Certificate No. 11–(44–4.1 & –6.1).001, manufactured by The Malleable Steel Range Mfg. Corp., South Bend 21, Ind.

Approval No. 162.020/89/0, South Bend Model No. 4023 range for liquefied petroleum gas service, approved by the American Gas Association, Inc., under Certificate No. 11–(44–4.1 & –6.1).001, manufactured by The Malleable Steel Range Mfg. Corp., South Bend 21, Ind.

Approval No. 162.020/90/0, South Bend Model No. 4025 range for liquefied petroleum gas service, approved by the American Gas Association, Inc., under Certificate No. 11–(44–4.1 & –6.1).001, manufactured by The Malleable Steel Range Mfg. Corp., South Bend 21, Ind.

(R. S. 4405, 4417a, 4426, 4491, secs. 1, 2, 49 Stat. 1544, and sec. 2, 54 Stat. 1028, as amended, P L. 569, 83d Cong., 46 U. S. C. 367, 375, 391a, 404, 463a, 489, 1333; 46 CFR 55.16–10)

INCOMBUSTIBLE MATERIALS

Approval No. 164.009/25/0, "J–M Six Pound Reinforced Asbestos Paper" asbestos paper type incombustible material identical to that described in National Bureau of Standards Test Report No. TG10210–1643 FP2833, dated October 13, 1949, approved in a weight of 6 pounds per 100 square feet, manufactured by Johns-Manville Sales Corp., 22 East Fortieth Street, New York 16, N. Y. (Extension of the approval published in FEDERAL REGISTER November 19, 1949—effective November 19, 1954.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417, as amended, 4417a, as amended, 4418, as amended, 4426, as amended, sec. 5, 49 Stat. 1384, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, as amended, and sec. 2, 54, Stat. 1028, as amended; 46 U. S. C. 391, 391a, 392, 404, 369, 367, 1333, 463a; E. O. 10402, 17 F R. 9917, 3 CFR, 1952 Supp., 46 CFR 164.009)

CHANGE OF ADDRESS

The address of United States Instrument Corporation, 409 Broad Street, Summit, N. J., has been changed to P O. Box 33, Charlottesville, Va., for Approval No. 161.005/36/2.

Dated: January 11, 1955.

[SEAL] A. C. RICHMOND,
Vice Admiral, U. S. Coast Guard, Commandant.

[F R. Doc. 55–411; Filed, Jan. 17, 1955; 8:49 a. m.]

[CGFR 54–62]

TERMINATIONS OF APPROVALS OF EQUIPMENT

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F R. 6521) and in compliance with the authorities cited below, the following approvals of equipment are terminated because (1) the manufacturer is no longer in business; or (2) the manufacturer does not desire to retain the approval, or (3) the item is no longer being manufactured; or (4) the item of equipment no longer complies with present Coast Guard requirements; or (5) the approval has expired. Except for those approvals which have expired, all other terminations of approvals made by this document shall be made effective upon the thirty-first day after the date of publication of this document in the FEDERAL REGISTER. Notwithstanding this termination of approval of any item of equipment as listed in this document, such equipment in service may be continued in use so long as such equipment is in good and serviceable condition.

DAVITS, LIFEBOAT

Termination of Approval No. 160.032/115/0, gravity davit, Type LO–90, approved for maximum working load of 18,000 pounds per set (9,000 pounds per arm) using 2 part falls, identified by Arrangement dwg. No. 3160–7, dated June 16, 1948, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy N. J. (Approved FEDERAL REGISTER November 19, 1949. Termination of approval effective November 19, 1954.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4481, as amended, 4488, as amended, 4491, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, and sec. 3, 54 Stat. 346, as amended, P L. 569, 83d Cong., 46 U. S. C. 391a, 404, 474, 481, 489, 367, 1333; E. O. 10402, 17 F R. 9917, 3 CFR, 1952 Cum. Supp., 46 CFR 160.032)

LIFEBOATS

Termination of Approval No. 160.035/259/0, 24.1' x 7.4' x 2.81 steel, oar-propelled lifeboat, 30-person capacity identified by general arrangement and detail dwg. No. OMS–501A, dated August 1949, manufactured by Tregoning Industries, Inc., P O. Box 151, Alderwood Manor, Wash. (Approved FEDERAL REGISTER November 19, 1949. Termination of approval effective November 19, 1954.)

(R. S. 4405, as amended, and 4462 as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4481, as amended, 4488, as amended, 4491, as amended, 4492, as amended, sec. 11, 35 Stat. 428, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, and sec. 3, 54 Stat. 346, as amended, P L. 569, 83d Cong., 46 U. S. C. 391a, 404, 474, 481, 489, 490, 396, 367, 1333; E. O. 10402, 17 F R. 9917, 3 CFR, 1952 Supp., 46 CFR 160.035)

BOILERS, HEATING

Termination of Approval No. 162.003/79/0, Model "Arcoliner" heating boiler, cast iron sectional construction, maximum pressure 15 pounds per square inch, manufactured by American Radiator & Standard Sanitary Corp., P O. Box 1226, Pittsburgh 30, Pa. (Approved FEDERAL REGISTER November 19, 1949. Termination of approval effective November 19, 1954.)

Termination of Approval No. 162.003/80/0, Model "Severn" heating boiler, cast iron sectional construction, maximum pressure 15 pounds per square inch, manufactured by American Radiator & Standard Sanitary Corp., P O. Box 1226, Pittsburgh 30, Pa. (Approved FEDERAL REGISTER November 19, 1949. Termination of approval effective November 19, 1954.)

Termination of Approval No. 162.003/81/0, Model "Oakmont" heating boiler, cast iron sectional construction, maximum pressure 15 pounds per square inch, manufactured by American Radiator & Standard Sanitary Corp., P O. Box 1226, Pittsburgh 30, Pa. (Approved FEDERAL REGISTER November 19, 1949. Termination of approval effective November 19, 1954.)

Termination of Approval No. 162.003/82/0, Model "Exbrook" heating boiler, cast iron sectional construction, maximum pressure 15 pounds per square inch,

manufactured by American Radiator & Standard Sanitary Corp., P O. Box 1226, Pittsburgh 30, Pa. (Approved FEDERAL REGISTER November 19, 1949. Termination of approval effective November 19, 1954.)

Termination of Approval No. 162.003/83/0, Model "Redflash" heating boiler, cast iron sectional construction, maximum pressure 15 pounds per square inch, manufactured by American Radiator & Standard Sanitary Corp., P O. Box 1226, Pittsburgh 30, Pa. (Approved FEDERAL REGISTER November 19, 1949. Termination of approval effective November 19, 1954.)

Termination of approval No. 162.003/84/0, Model "Water Tube" heating boiler, cast iron sectional construction, maximum pressure 15 pounds per square inch, manufactured by American Radiator & Standard Sanitary Corp., P O. Box 1226, Pittsburgh 30, Pa. (Approved FEDERAL REGISTER November 19, 1949. Termination of approval effective November 19, 1954.)

(R. S. 4405, 4417a, 4418, 4426, 4433, 4434, 4491, as amended, secs. 1 and 2, 49 Stat. 1544, and sec. 3, 54 Stat. 346, as amended, P L. 569, 83d Cong., 46 U. S. C. 367, 375, 391a, 392, 404, 411, 412, 489, 1333; 46 CFR Part 52)

Dated: January 11, 1955.

[SEAL] A. C. RICHMOND,
Vice Admiral, U. S. Coast Guard, Commandant.

[F R. Doc. 55-412; Filed, Jan. 17, 1955; 8:49 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Document 22]

ARIZONA

RESTORATION TO MINERAL LOCATION, ENTRY AND PATENT OF LANDS WITHDRAWN FOR RECLAMATION PURPOSES

JANUARY 10, 1955.

Pursuant to determinations by the Bureau of Reclamation under the act of April 25, 1932 (47 Stat. 136; 43 U. S. C. 154) and in accordance with the authority delegated to me by the Director, Bureau of Land Management, in Order No. 541, dated April 21, 1954 (19 F R. 2473) it is ordered as follows:

Subject to valid existing rights, the provisions of existing withdrawals, and the stipulations and provisions described below, the lands hereinafter described, so far as they are withdrawn or reserved for reclamation purposes, are hereby restored to location, entry and patent under the mining laws.

GILA AND SALT RIVER MERIDIAN

T. 7 S., R. 21 W.,
Sec. 26: SW¼, W½W½SE¼.
Sec. 35: W½W½, NE¼NW¼, N½SE¼NW¼, SW¼SE¼NW¼, W½NE¼SW¼.

Within the above described areas are 450 acres of public land.

Subject to valid existing rights and the provisions of existing withdrawals, the described lands shall, commencing at 10:00 a. m. on the 10th day after the date of this order, be open to location, entry and patenting under the United States mining laws, subject to the stipulation quoted below, to be executed and acknowledged in favor of the United States by the locators for themselves, their heirs, successors and assigns, and recorded in the county records and in the United States Land Office at Phoenix, Arizona, before locations are made:

In carrying on mining, processing, or stock piling of mineral-bearing sand, gravel or rock, or any other operations in any manner related to the exploitation of mineral deposits on the above described lands, Locator, his heirs, successors and assigns shall not pile, dump, or in any manner use or dispose of any rock, tailings, sludge, acids or chemicals, waste materials, rubbish or debris of any kind whatsoever, in such manner that any such things will or in any manner could, be carried or introduced into the Gila or Colorado rivers or into any canal system or appurtenant works which have been or may be constructed in connection with the Colorado River Storage Project. Locator, his heirs, successors and assigns shall not use or conduct mining or any other operations on the above described lands in such manner as will impede or hinder the uses and purposes of the United States in connection with the possible uses of the lands for reclamation purposes or as will interfere in any degree with the operations of the United States or its agents, contractors, successors or assigns or as will be to the detriment of the general public.

There is reserved to the United States, its agents and employees, at all times free ingress to, passage over and egress from all of the above described lands for the purpose of inspection; and there is further reserved to the United States, its successors and assigns, the prior right to use any of the lands hereinabove described, to construct, operate, and maintain canals, dikes, wasteways, ditches, telephone and telegraph lines, electric transmission lines, roadways, and appurtenant works, including the right to take and remove from the lands hereinabove described such construction materials as may be required in the construction of irrigation works, without any payment made by the United States, or its successor for such right. The Locator further agrees that the United States, its officers, agents and employees, and its successors and assigns, shall not be held liable for any damage to the improvements or workings of the Locator resulting from the construction, operation and maintenance of any works of the United States and/or the removal of construction materials from the lands hereinabove described.

Inquiries concerning these lands shall be addressed to Manager, Arizona Land Office, Bureau of Land Management, Room 243, Main Post Office Building, Phoenix, Arizona.

E. I. ROWLAND,
State Supervisor

[F R. Doc. 55-393; Filed, Jan. 17, 1955; 8:45 a. m.]

[Document 23]

ARIZONA

SMALL TRACT CLASSIFICATION ORDER NO. 31

JANUARY 10, 1955.

1. Pursuant to authority delegated to the State Supervisors by section 2.5 of Redelegation Order No. 541, dated April 21, 1954 (19 F R. 2473) by the Director, Bureau of Land Management, the following described lands are hereby classified for lease and sale under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a) as amended, for homesites only.

GILA AND SALT RIVER MERIDIAN

T. 3 N., R. 3 E., Maricopa County, Arizona
Sec. 20: Lots 7 and 8,
Sec. 21. Lots 5 to 22, inclusive.
T. 4 N., R. 3 E., Maricopa County, Arizona
Sec. 3: SE¼NE¼.

The lands described comprise 42 small tracts and contain a total area of 209.79 acres.

2. The lands in said sections 20 and 21 are located approximately 1½ miles north of Sunnyslope and 10 miles north of Phoenix. The land in said section 3 is located approximately 11 miles north of Sunnyslope and 20 miles north of Phoenix. The topography of all of the lands is from rolling to rough and mountainous, and the average elevation is about 1,500 feet above sea level. The climate is arid with an average annual precipitation of about 8 inches, the greater part of which usually falls during the months of February March, April, July and August. The summers are hot and temperatures may exceed 110° F between June and September. The winters are generally delightful but killing frost occurs occasionally.

3. (a) The lands in lots 7 and 8 of said section 20 will be leased by aliquot parts, containing approximately 5 acres with the longer dimensions east and west. These tracts will not be subject to purchase until a supplemental plat has been prepared and approved, which creates eight lots in each of said lots 7 and 8, designating the tracts by lot numbers.

(b) The lands described as lots 5 to 22, inclusive, in said section 21, will be leased and sold as designated on the supplemental plat of the NW¼, Sec. 21, T. 3 N., R. 3 E., G. & S. R. M., Arizona, dated June 29, 1951.

(c) The lands in the SE¼NE¼ of said section 3 will be leased and sold by aliquot parts of the said subdivision in tracts of 5 acres, more or less, with the longer dimension being east and west.

(d) There is a limitation of one tract to each successful applicant.

(e) A reservation for rights-of-way not to exceed 33 feet in width, is made along the boundary of each tract for roads and public utility facilities.

4. (a) As to applications filed for land in the SE¼NE¼ of said section 3, prior to 10:00 a. m., May 7, 1946, this order shall become effective upon the date it is signed provided such applications are made to conform to the provisions of this order.

(b) As to applications filed on lands in lots 7 and 8 in said section 20, and lots 5 to 22, inclusive, in said section 21, prior to 3:32 p. m., July 23, 1946, this order shall become effective upon the date it is signed provided such applications are made to conform to the provisions of this order.

5. This order shall not otherwise become effective to change the status of any of these lands until 10:30 a. m. on the 35th day after date of this order. At that time the said lands shall, sub-

ject to valid existing rights and the provisions of existing withdrawals, become subject to application under the Small Tract Act as follows:

(a) For a period of 91 days, commencing at the hour and on the date specified above, the public lands affected by this order shall be subject to application by qualified veterans of World War II and the Korean Conflict. All applications filed under this paragraph, either on or before 10:30 a. m. on the 35th day after the date of this order, shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:30 a. m. on the 35th day shall be considered in the order of filing.

(b) Commencing at 10:30 a. m. on the 126th day after the date of this order any lands remaining shall become subject to application under the Small Tract Act by the public generally All such applications filed, either on or before 10:30 a. m. on the 126th day shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

(c) A veteran shall accompany his application with a complete photostat, or other copy, (both sides) of his certificate of honorable discharge, or of an official document of his branch of service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitute evidence of any facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference right through settlement or otherwise and those having equitable claims shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

6. (a) Leases for homesites will be issued for a period of 3 years at the annual rental of $5.00, payable in advance for the entire lease period. The leases issued will provide an option to purchase at the appraised value of $100.00 per tract in Lots 7 and 8 of said section 20, and the SE¼NE¼ of said section 3. In said section 21, lots 5 to 10, inclusive, are appraised at $100.00 per lot. Lot 11 is appraised at $125.00, lots 12 to 21, inclusive, are appraised at $100.00 per lot and lot 22 is appraised at $75.00.

(b) Application for purchase may be filed during the term of the lease but not more than 30 days prior to the expiration of one year from the date of the lease, provided the minimum improvements consisting of a habitable house of substantial construction with at least two rooms and a minimum floor area of 300 square feet; shall have been made.

(c) Leases issued under the terms of this order shall not be subject to assignment unless and until improvements, as mentioned in (b) above, shall have been made.

(d) Leases for lands upon which the improvements mentioned in (b) above shall not have been constructed at or before the expiration date thereof, shall not be renewed.

7. The lessees and/or their successors in interest shall comply with all Federal, State, County and municipal laws and ordinances, especially those governing health and sanitation, and failure or refusal to do so may be cause for cancellation of the lease in the discretion of the authorized officer of the Bureau of Land Management.

8. All inquiries relating to these lands should be addressed to the Manager, Land Office, Bureau of Land Management, Room 251, Main Post Office Building, Phoenix, Arizona.

E. I. ROWLAND,
State Supervisor

[F R. Doc. 55-394; Filed, Jan. 17, 1955; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 6435]

TRENTON SERVICE CASE

NOTICE OF ORAL ARGUMENT

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on February 3, 1955, at 10:00 a. m., e. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., January 14, 1955.

[SEAL] FRANCIS W BROWN,
Chief Examiner

[F R. Doc. 55-419; Filed, Jan. 17, 1955; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11048; FCC 55M-36]

DISPATCH, INC.

ORDER POSTPONING RESUMPTION OF HEARING

In re application of Dispatch, Inc., Erie, Pennsylvania, Docket No. 11048, File No. BRCT-42; for renewal of license of Television Station WICU.

The Commission having under consideration the petition, filed on January 6, 1955, of Chief, Broadcast Bureau, for postponement of resumption of hearing from January 18, 1955, as now scheduled, to February 9, 1955 and the conference of counsel and the Examiner held on January 11, 1955

It appearing, that the postponement is requested in order to enable new counsel for the Broadcast Bureau properly to familiarize themselves with the case, previous chief counsel having resigned, and that good cause has therefore been shown.

It is ordered, This 11th day of January 1955, that the petition is granted, and the date for resumption of hearing is postponed from January 18 to Wednesday February 9, 1955, at 10:00 a. m., in the offices of the Commission, Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-413; Filed, Jan. 17, 1955; 8:49 a. m.]

[Docket Nos. 11126, 11127; FCC 55M-29]

MILDRED V ERNST AND THERMOPOLIS BROADCASTING CO., INC.

ORDER CONTINUING PRE-HEARING CONFERENCE

In re applications of Mildred V Ernst, Thermopolis, Wyoming, Docket No. 11126, File No. BP-9194, Thermopolis Broadcasting Company Inc., Thermopolis, Wyoming, Docket No. 11127, File No. BP-9294; for construction permits.

A joint oral request having been made by applicants and consented to by counsel for the Commission's Broadcast Bureau that the conference herein now scheduled for Friday January 14, 1955, be continued until the date mentioned in the following paragraph:

It is ordered, This 10th day of January 1955, that the conference now scheduled for January 14, 1955, is continued and shall be held at 10:00 a. m. Monday, February 7, 1955, at Washington, D. C., for the purpose of considering the matters specified in § 1.813 of the Commission's rules and that the parties or their attorneys shall appear at the time and place specified.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F R. Doc. 55-414; Filed, Jan. 17, 1955; 8:49 a. m.]

[Docket No. 11145; FCC 55M-35]

COASTAL BROADCASTING CO. (WONN)

ORDER CONTINUING PRE-HEARING CONFERENCE

In re application of Coastal Broadcasting Company (WONN) Lakeland, Florida, Docket No. 11145, File No. BP-9245 for construction permit.

The Commission having before it a motion filed January 10, 1955, by the applicant requesting that the prehearing conference now scheduled for January 12, 1955, be continued until February 2, 1955 and

It appearing, that good cause for the continuance has been shown and that counsel for the Broadcast Bureau has consented to the continuance:

It is ordered, This 11th day of January 1955, that the motion is granted, and that the pre-hearing conference now scheduled for January 12, 1955, is continued and rescheduled to commence at 10:00 a. m. Wednesday February 2, 1955, for the purpose of considering the matters specified in § 1.813 of the Commission's rules and the parties or their

attorneys are directed to appear at the time and place specified.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F R. Doc. 55-415; Filed, Jan. 17, 1955; 8:49 a. m.]

[Docket No. 11220; FCC 55M-37]

FEDERAL CONTRACTING CO.

ORDER CONTINUING HEARING

In the matter of Harold Warren, d/b/a Federal Contracting Co., 16247 Hamilton, Highland Park, Michigan, Docket No. 11220; order to show cause why the license for Special Industrial Radio Station KQD-657 should not be revoked.

The Commission having under consideration a motion filed January 5, 1955, by its Safety and Special Radio Services Bureau requesting an indefinite continuance of the hearing in the above-entitled matter now scheduled to be held in Washington, D. C., January 17, 1955 and

It appearing that the said motion states good and sufficient reason for the requested continuance, and that public interest would be served thereby;

It is ordered, This 12th day of January 1955, that said motion is granted, and the hearing now scheduled to be held in the above-entitled matter in Washington, D. C., January 17, 1955, is hereby continued without date, and until further order of the Commission.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F R. Doc. 55-416; Filed, Jan. 17, 1955; 8:49 a. m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

DEPUTY ADMINISTRATOR ET AL.

DESIGNATION AS ACTING ADMINISTRATOR

The following listed officers (including persons designated to serve in an acting capacity) in the Office of the Administrator, Housing and Home Finance Agency are hereby designated to act in the place and stead of the Housing and Home Finance Administrator, with the title of "Acting Administrator" and with all the powers, rights, and duties vested in or assigned to the said Administrator, in the event the Administrator is unable to act by reason of his absence, illness, or other cause, provided that no officer listed below shall have authority to act as "Acting Administrator" unless all of those whose titles appear above his are unable to act by reason of absence, illness, or other cause:

(1) Deputy Administrator;
(2) General Counsel;
(3) Assistant Administrator (Administration)
(4) Assistant Administrator (Plans and Programs)

This designation supersedes the designation of Acting Administrator effective April 12, 1954, published at 19 F R. 2750 (May 12, 1954) which designation is hereby revoked.

(Reorg. Plan No. 3 of 1947, 61 Stat. 954; 62 Stat. 1283 (1948) as amended by 64 Stat. 80 (1950), 12 U. S. C., 1952 ed. 1701c; 63 Stat. 440 (1949) 12 U. S. C., 1952 ed. 1701d-1)

Effective as of the 4th day of January 1955.

ALBERT M. COLE,
Housing and Home Finance Administrator

[F R. Doc. 55-418; Filed, Jan. 17, 1955; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-205, 59-95]

NORTH AMERICAN CO. AND UNION ELECTRIC CO. OF MISSOURI

SUPPLEMENTAL ORDER CONFORMING TO PROVISIONS OF INTERNAL REVENUE CODE OF 1954

JANUARY 11, 1955.

In the matter of the North American Company Union Electric Company of Missouri, File No. 54-205 the North American Company File No. 59-95.

The Commission having issued its findings and opinion and order on October 31, 1952 (Holding Company Act Release No. 11530) approving a Plan for the liquidation and dissolution of the North American Company ("North American") pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("act") said Plan having been joined in to the extent necessary for its consummation by Union Electric Company of Missouri ("Union") said Plan, on December 11, 1952, having been ordered enforced by the United States District Court for the District of New Jersey; North American having on said date declared said Plan to be effective as of January 20, 1953; said Plan having become effective; North American having effected an initial partial liquidating distribution of shares of $10 par value common stock of Union to stockholders of North American on January 20, 1953, on the basis of one share of Union common stock with respect to each ten shares of North American common stock held of record on December 22, 1952, and a similar second partial liquidating distribution on January 21, 1954 to stockholders of record on December 21, 1953;

It appearing that in connection with and as a part of the liquidation and dissolution of North American, as required by the Plan, North American has proposed, on January 20, 1955, to make the final liquidating distribution of 8,572,624 shares of $10 par value common stock of Union to stockholders of North American in exchange for their North American common stock, on the basis of one share of Union common stock for each share of North American common stock surrendered,

It further appearing that in connection with such proposed final liquidating distribution North American has surrendered to Union for conversion 8,572,624 shares of no par value common stock of Union and Union has issued and North American has received 8,572,624 shares of $10 par value common stock of Union upon such conversion; and

North American having requested the Commission to issue an appropriate order, with respect to said transactions, under sections 1081-1083 and section 4382 (b) (2) of the Internal Revenue Code of 1954, and the Commission deeming its appropriate and in the public interest to grant such request:

It is hereby ordered and recited, and the Commission finds, That the proposed transfer and distribution on January 20, 1955, by North American to holders of its common stock of 8,572,624 shares of $10 par value common stock of Union, represented by certificates Nos. TNB 1318 and TNB 1319, in exchange for their North American common stock, on the basis of one share of Union common stock for each share of North American common stock surrendered, all in connection with and as part of the liquidation and dissolution of North American and as authorized or permitted by the Order of this Commission on October 31, 1952, and in obedience thereto, be executed and are necessary or appropriate to the integration or simplification required to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

It is further ordered, That jurisdiction be, and the same hereby is, reserved to enter such other or further orders conforming to the requirements of sections 1081-1083 and section 4382 (b) (2) of the Internal Revenue Code of 1954 as the Commission may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F R. Doc. 55-407; Filed, Jan. 17, 1955; 8:48 a. m.]

[File No. 70-3328]

MISSOURI POWER & LIGHT CO. AND MISSOURI EDISON CO.

ORDER GRANTING APPLICATION REGARDING ACQUISITION OF ELECTRIC TRANSMISSION LINE AND CERTAIN SUBSTATION AND PROTECTIVE EQUIPMENT

JANUARY 11, 1955.

Missouri Power & Light Company ("Missouri Power") and Missouri Edison Company ("Missouri Edison") public utility subsidiaries of Union Electric Company of Missouri, a registered holding company and a subsidiary of the North American Company a registered holding company have filed a joint application with this Commission pursuant to the provisions of sections 9 (a) and 10 of the Public Utility Holding Company Act of 1935 ("act") regarding the following proposed transactions:

Missouri Power and Missouri Edison propose to acquire from Northeast Missouri Electric Power Cooperative ("Cooperative") a 69 kv three phase single circuit wood pole transmission line, approximately 26.7 miles in length, traversing the service areas of Missouri Power

and Missouri Edison in Ralls and Pike Counties, Missouri, and Missouri Edison also proposes to acquire from the Cooperative certain substation and protective equipment located at or near the Cooperative's present Louisiana substation located on property of Hercules Powder Company near Louisiana, Missouri, all in accordance with and subject to the terms of an agreement between the applicants and the Cooperative.

The aggregate price to be paid for the transmission line is $183,972.49, of which $66,047.78 is to be paid by Missouri Power and $117,924.71 by Missouri Edison. The price to be paid by Missouri Edison for the substation and protective equipment is $20,001.20. Such prices are represented to be equivalent to the actual cost of such facilities to the Cooperative, and the division between the applicants of the price of the transmission line is stated to be based on actual construction cost of such line in their respective service areas.

The filing states that the Cooperative accrues depreciation on all of its depreciable property at the composite rate of 2.54 percent per annum, and applicants estimate that the portion of such composite accruals applicable to the specific property to be acquired is $14,576.56, of which $4,540.65 applies to the property to be acquired by Missouri Power and $10,035.91 to the property to be acquired by Missouri Edison.

Applicants state that the purchase prices of the respective properties will be recorded initially in cost of plant purchased on the books of each company. They will remain in those accounts until receipt of orders of the Public Service Commission of Missouri approving the recording of original cost of such facilities and the applicable depreciation reserves, and providing for the disposition of any excess of the purchase prices of such properties over their original costs less depreciation.

Applicants represent that the transmission line will serve as an additional tie betweeen their systems for the supply of electric energy by Missouri Power to Missouri Edison and will furnish much needed reinforcement of the power supply for Missouri Edison's service in and around Louisiana, Missouri.

Applicants state that no State commission and no Federal regulatory agency, other than this Commission, has jurisdiction over the proposed acquisitions, although the consent of the Rural Electrification Administration to the sale of the facilities by the Cooperative is required.

Applicants represent that no fees, commissions and expenses, other than nominal expenses, will be incurred or paid in connection with the proposed acquisition.

Missouri Power and Missouri Edison request that Commission action in this matter be taken no later than 30 days from the date of filing of said application and that there be no waiting period between the issuance of the Commission's order and the date on which it is to become effective.

Notice regarding the filing of said application having been given pursuant to Rule U-23 and no hearing having been requested of, or ordered by the Commission, and the Commission finding that the applicable standards of the act and the rules promulgated thereunder are satisfied, and that said application should be granted forthwith.

It is ordered, Pursuant to Rule U-23, that said application be, and the same hereby is, granted forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F R. Doc. 55-406; Filed, Jan. 17, 1955; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 30119]

SODA ASH FROM WESTVACO, WYO., TO ST. LOUIS, MO., EAST ST. LOUIS, ALTON AND WOOD RIVER, ILL.

APPLICATION FOR RELIEF

JANUARY 13, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W J. Prueter, Agent, for carriers parties to schedule listed below.

Commodities involved: Soda ash (other than modified soda ash) in bulk, carloads.

From: Westvaco, Wyo.

To: St. Louis, Mo., East St. Louis, Alton and Wood River, Ill.

Grounds for relief: Market competition.

Schedules filed containing proposed rates: W J. Prueter, Agent, I. C. C. No. A-3560, supp. 256.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD, *Secretary.*

[F R. Doc. 55-398; Filed, Jan. 17, 1955; 8:47 a. m.]

[4th Sec. Application 30121]

BITUMINOUS FINE COAL FROM MINES IN ILLINOIS TO CHICAGO, ILL.

APPLICATION FOR RELIEF

JANUARY 13, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Litchfield and Madison Railway Company for itself and on behalf of carriers parties to schedule listed below.

Commodities involved: Bituminous fine coal, carloads.

From: Mines in Illinois.

To: Chicago, Ill., and points taking same rates.

Grounds for relief: Competition with rail carriers, circuitous routes, and market competition.

Schedules filed containing proposed rates: Litchfield and Madison Railway Company, I. C. C. 441, supp. 14.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD, *Secretary.*

[F R. Doc. 55-400; Filed, Jan. 17, 1955; 8:47 a. m.]